

[EMBARGOED FOR: 15.01 GMT 21 June 1999]

Public

amnesty international

EAST TIMOR Seize the Moment

21 June 1999

SUMMARY

AI INDEX: ASA 21/49/99

DISTR: SC/CC/CO

On 8 August 1999, the people of East Timor are due to participate in a ballot to determine the future status of the territory. This "popular consultation" process is the product of 5 May 1999 Agreements between the governments of Indonesia and Portugal, negotiated under the auspices of the United Nations (UN). The choice they will face is whether to accept or reject the offer of special autonomy within the Republic of Indonesia. If the East Timorese people vote to accept the special autonomy option, Indonesia's sovereignty over East Timor will be recognized; if they reject it, a process will begin, under UN authority, which will lead to independence for the territory. A UN Mission known as the UN Assistance Mission to East Timor (UNAMET) has been established in East Timor by the Security Council to implement the popular consultation; its task is a large and complex one.

An Amnesty International delegation visited Indonesia and East Timor in May 1999 to assess the human rights situation in East Timor and its likely effect on the implementation of the 5 May 1999 Agreements; this report details its findings. Amnesty International takes no position on the actual outcome of the proposed ballot on 8 August 1999. Rather, the organization's concerns relate to human rights aspects of the environment in which the popular consultation process takes place. It is in everyone's interests that the process succeeds. However, Amnesty International's research points to ongoing serious human rights violations in East Timor which could jeopardize that success. The organization offers its assessment and recommendations in a positive spirit, in the hope that it will assist all parties to the Agreements to fulfil their obligations to the East Timorese people.

Human rights violations in the run up to any electoral process can have a severe impact on that process and on the ability of individuals to exercise their basic rights to freedom of expression, association and assembly. All East Timorese people must be able to participate in the consultation in an atmosphere which is free from intimidation, threats and violence. Amnesty International is concerned at the ongoing high level of human rights violations and atmosphere of almost total impunity in East Timor. Supporters and those perceived to support independence are the primary target of human rights violations, although widespread fear and insecurity is impacting on the lives of all East Timorese people. This situation persists, despite

the Indonesian government's promise in the 5 May 1999 Agreements to ensure a secure environment for the popular consultation process - a promise it has so far failed to keep.

During its mission to Indonesia and East Timor, Amnesty International collected evidence of a distinct pattern of violations, directly linked to the Indonesian authorities, which began well before the 5 May 1999 Agreements were signed, and have continued since then. The political progress at the international level has not been matched on the ground. In fact, the situation in East Timor deteriorated as rapidly as the international political process moved forward. Responsibility for that deterioration lies squarely with the newly-formed militias in East Timor, and with those who have assisted and protected them, namely the Indonesian military forces based in the territory, and to a lesser extent, the Indonesian police.

Amnesty International's delegation found evidence of:

- a general atmosphere of insecurity and intimidation arising from the continued high level of human rights violations;
- a distinct pattern of human rights violations the victims of which are overwhelmingly supporters of independence for East Timor including:
 - *extrajudicial executions*: at least 34 people have been extrajudicially executed by civilian militias and the Indonesian security forces since 5 May 1999;
 - *illegal detention*: over 280 people have been illegally detained by police, military and militias since January 1999;
 - *torture and ill-treatment*: the majority of people taken into custody by the police, the military and the militias have been tortured or ill-treated;
 - *"disappearances"*: credible reports of "disappearances" continue to be received and past cases remain unresolved;
 - *forced relocations*: thousands of people have been forced from their homes as a result of operations by the militias and the Indonesian security forces.
- the responsibility of the new militia groups for the majority of these violations but with clear support and involvement of the Indonesian military and, to a lesser extent, police;
- the involvement of the Indonesian authorities in a general, well organized campaign, of which the human rights violations referred to above are a part, to threaten and intimidate the population into supporting autonomy and to disrupt the participation of certain groups in the popular consultation process;
- the failure of the police to fulfil its role under the Agreements to investigate human rights violations and abuses and to enforce law and order;
- the failure of the Indonesian authorities to fulfil other key obligations within the Agreements, including ensuring the neutrality of the security forces;
- human rights abuses committed by the pro-independence armed opposition group Falintil.

The popular consultation process being embarked upon has human rights at its heart. Basic human rights are at stake, notably the rights to self-determination, freedom of opinion, expression and assembly, and the safeguards of due process of law. This is recognized in the Agreements, which state clearly "*A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor*".

Each violation which takes place undermines the popular consultation process and represents a violation of the 5 May 1999 Agreements. The prospect of a peaceful future for the East Timorese people is threatened by the nature and scale of these violations. With less than seven weeks before the ballot is scheduled to take place, a rapid and dramatic improvement in the security situation is required.

On 22 May 1999 the UN Secretary General identified six preconditions which have to be met in order for the consultation process to be implemented:

- bringing armed civilian groups under strict control
- the prompt arrest and prosecution of those who incite or threaten to use violence
- a ban on rallies by armed groups
- ensuring freedom of association and expression for all political groups
- the redeployment of the Indonesian military forces
- the immediate institution of a process of laying down of arms by all armed groups to be implemented well in advance of the holding of the ballot

These preconditions have not yet been met, and unless and until they are, Amnesty International fears that the cycle of human rights violations in East Timor will continue, threatening the already fragile chances of a peaceful future, free from the fear of human rights violations which has characterised the last 23 years. The organization's report includes recommendations to all parties to the Agreements, which, if implemented, would substantially improve the human rights situation in the territory. At a minimum:

- the Indonesian authorities must take immediate measures to disarm and disband the pro-integration militias;
- Indonesia must fulfil its commitments under the Agreements to ensure a secure environment for the popular consultation to take place; to guarantee the absolute neutrality of the Indonesian security forces; and for the police to take sole responsibility for maintaining law and order;
- as part of its duty to maintain law and order, the Indonesian police must investigate all allegations of human rights violations, including threatening and inciting violence, and bring to justice those responsible including members of the militias, the Indonesian military and the police;
- all UNAMET members must have a clear mandate to monitor and report on human rights violations by all sides. UNAMET must also bring violations to the attention of the Indonesian authorities and, as appropriate, the pro-independence and pro-integration sides;
- Falintil must respect international humanitarian law

The opportunity exists to bring an end to the insecurity and distress which has blighted the lives of many East Timorese for too long; it may not come again and must not be squandered now.

KEYWORDS: PEACE-KEEPING1 / ELECTIONS1 / CIVIL DEFENCE1 /
POLITICAL ACTIVISTS1 / MISSIONS / UN / CIVIL SERVANTS / STUDENTS /
DISPLACED PEOPLE / WOMEN / JOURNALISTS / POLICE / MILITARY / NON-
GOVERNMENTAL ENTITIES / SECOND GOVERNMENTS / EXTRAJUDICIAL
EXECUTION / HARASSMENT / RELIEF WORKERS / PORTUGAL

This report summarizes a 50-page document (20,754 words), EAST TIMOR: Seize the moment (AI Index: ASA 21/49/99) issued by Amnesty International on 21 June 1999. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

[EMBARGOED FOR: 15.01 GMT 21 June 1999]

Public

amnesty international

EAST TIMOR

Seize the Moment



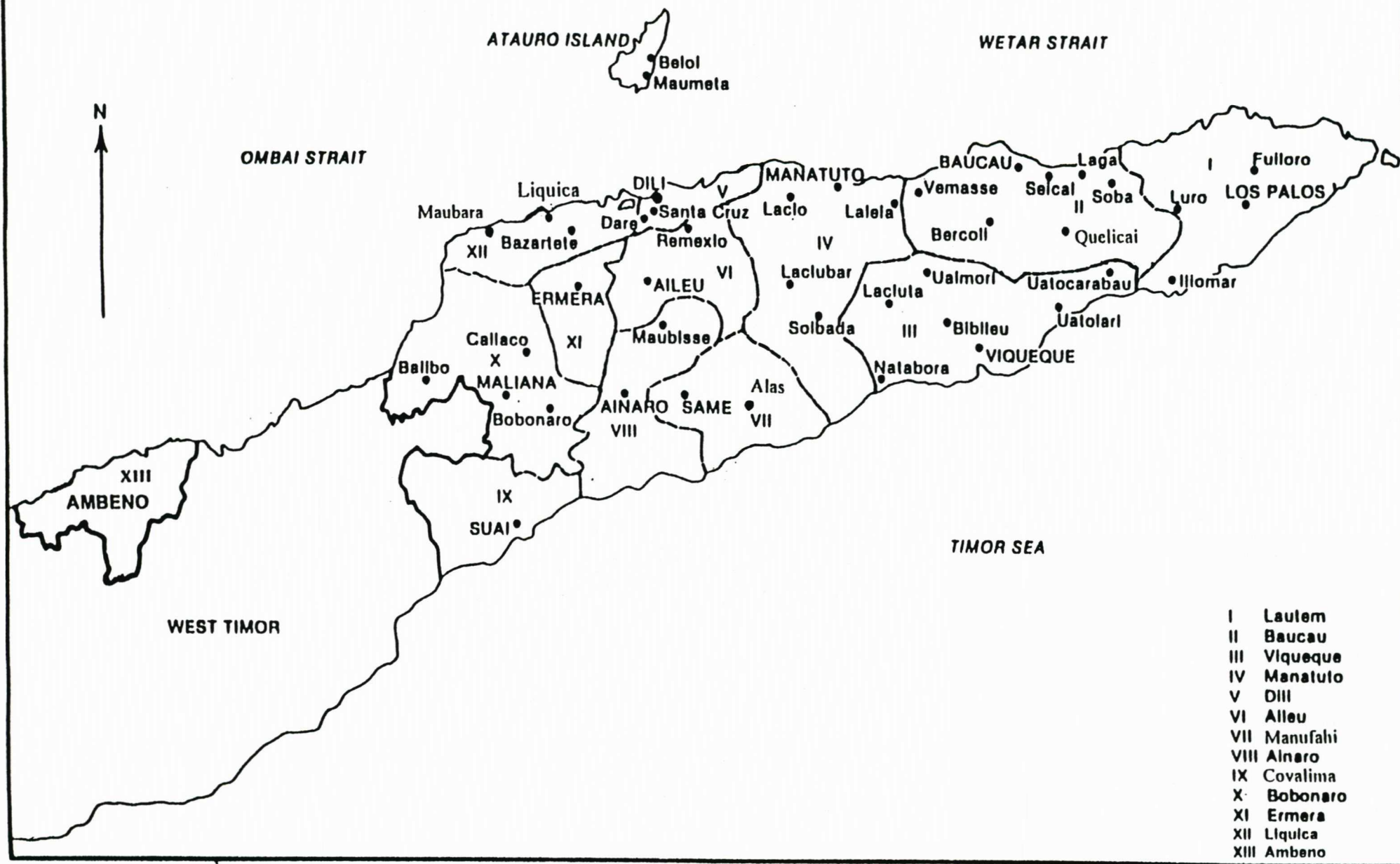
21 June 1999
AI Index: 21/49/99
Distr: SC/CC/CO

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

TABLE OF CONTENTS

INTRODUCTION	1
SECTION 1: THE AGREEMENTS - ROLES AND RESPONSIBILITIES	4
1.1 The Agreements	4
1.2 The Role of the United Nations	6
1.3 The Role of the Indonesian Government	7
1.4 The Role of the Portuguese Government	7
1.5 The Role of the International Community	8
1.6 The Peace and Stability Commission & Komnas HAM	9
SECTION 2: AMNESTY INTERNATIONAL'S MISSION TO INDONESIA AND EAST TIMOR	10
SECTION 3: RECENT HUMAN RIGHTS DEVELOPMENTS	11
3.1 Categories of people at risk	14
3.1(i) Supporters of independence and the National Council of Timorese Resistance	15
3.1(ii) Civil servants	18
3.1(iii) Students	21
3.1(iv) Internally displaced persons (IDPs)	24
3.1(v) The security of East Timorese women	29
3.1(vi) Security for people trying to assist victims	30
3.1(vii) Threats against journalists	31
SECTION 4: ARRANGEMENTS FOR SECURITY	33
4.1 The Police	35
4.2 The Indonesian National Army (TNI)	37
SECTION 5: HUMAN RIGHTS ABUSES BY FALINTIL	40
CONCLUSIONS AND RECOMMENDATIONS	43
Recommendations to the United Nations	44
Recommendations to the Indonesian Authorities	45
Recommendations to the National Council of Timorese Resistance	47
Recommendations to the Member States of the United Nations	47
APPENDIX: GLOSSARY	48

MAP OF EAST TIMOR

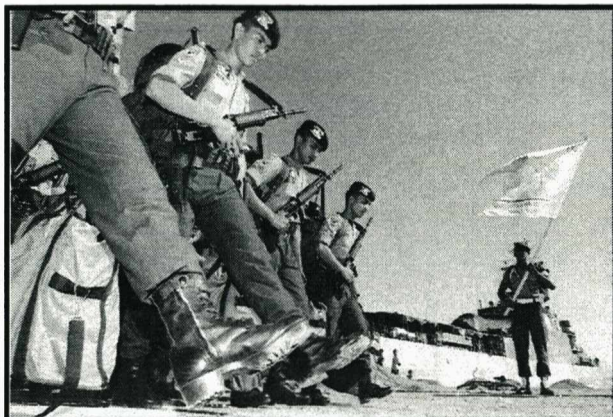


EAST TIMOR

Seize the Moment

INTRODUCTION

On 8 August 1999, the people of East Timor are due to participate in a ballot to determine the future status of the territory - in effect, exercising their right to self determination. The choice which will be put to them is whether to accept or reject the offer of special autonomy within the



Reinforcements arrive from Indonesia in advance of the popular consultation process ©Reuters 1999

Republic of Indonesia. The choice will be made in a consultation process which is the product of an agreement between the governments of Indonesia and Portugal negotiated under the auspices of the United Nations (UN). If the East Timorese people in the ballot accept the special autonomy option, Indonesia's sovereignty over East Timor will be internationally recognized, and Indonesia will initiate measures necessary to implement the constitutional framework for autonomy.¹ If, on the other hand, the autonomy package is rejected, a

process will be put in motion, under the authority of the UN, which will lead to independence for East Timor. A UN Mission known as the UN Assistance Mission to East Timor (UNAMET) has been established in East Timor by the Security Council to implement the popular consultation; its task is a large and complex one.²

The conflict in East Timor began after Indonesian troops invaded and occupied East Timor in 1975, following the withdrawal from the territory of the former colonial power, Portugal. An Act of Integration promulgated by Indonesia the following year was not recognized by the international community or by the UN. Armed and peaceful resistance to Indonesia's occupation of the territory quickly developed and has continued to the present day. The agreement to hold a "popular consultation" represents a unique opportunity to bring about an end to the 23 year old conflict in which violations by the Indonesian security forces and by the independence armed opposition group have brutalised East Timorese society and imposed a heavy cost on Indonesia both domestically and internationally.

¹ A UN General Assembly resolution (31/53) of 1976 rejected the act of integration which followed Indonesia's December 1975 invasion of East Timor.

² UN Security Council Resolution 1246 (1999), 11 June 1999.

Amnesty International takes no position on the actual outcome of the proposed ballot on 8 August 1999. Rather, Amnesty International's mandate concerns the human rights aspects of the environment in which the consultation process will take place. Human rights violations in the run up to any electoral process have a severe impact on that process and on the ability of individuals to exercise their basic rights to freedom of expression, association and assembly. The success of the proposed ballot in East Timor rests on the acceptance by the East Timorese people that the process has been a legitimate one and, as such, depends on the willingness of all those involved to protect and respect the rights of all the East Timorese people - whatever their political views - to participate in the consultation in an atmosphere which is free from intimidation, threats and violence.

With this in mind, an Amnesty International delegation visited Indonesia and East Timor from 8 May to 27 May 1999. The purpose of the mission was to assess the human rights situation and to monitor its impact on the implementation of the Agreements to date. In the months prior to the signing of the Agreements, Amnesty International published several reports highlighting a deteriorating human rights situation in East Timor.³ This report documents the findings of the Amnesty International mission, in particular the continued high level of human rights violations. It includes a series of recommendations to the parties involved which, if implemented, would bring a substantial improvement in the human rights situation and establish conditions necessary for the popular consultation to proceed. The organization offers its assessment and recommendations in a positive spirit, in the hope that it will assist all parties to the Agreements to fulfil their obligations to the East Timorese people.

During its visit, Amnesty International found a general atmosphere of intimidation and insecurity in East Timor. Since 5 May 1999 at least 34 people have been extrajudicially executed by militias and/or by the security forces. At least another two have "disappeared" and 50 have been arbitrarily detained. These violations are part of a more general, well-organized campaign to threaten and intimidate the East Timorese population into supporting autonomy - a campaign in which there is compelling evidence of direct involvement by government authorities, the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) and the Indonesian police.

The majority of the victims of extrajudicial executions, "disappearance" and arbitrary arrest are, or are alleged to be, members or supporters of pro-independence groups. Others, including women, have been targeted merely because of their association with independence supporters. Those that have given assistance to the victims or have reported on the violations - including eye witnesses, human rights monitors, humanitarian workers, medical professionals and journalists - have themselves become the victims of threats, intimidation and in some cases

³ The Indonesian Government - Failing to live up to its promises (AI Index: ASA 21/104/98) December 1998 and East Timor: Paramilitary Attacks Jeopardise East Timor's Future (AI Index: ASA 21/26/99) April 1999.

violence. In addition, a combination of militia and Indonesian security forces operations have caused thousands of people to flee their homes. Internally displaced people, already facing shortages of food, clean drinking water and medical assistance, have also been the victims of attacks and of coercion to join the militias and to support the autonomy option.

Amnesty International is also concerned that the Indonesian security forces have not only failed to protect the East Timorese people and establish a secure environment in which the popular consultation can take place, but that in many cases they have supported the actions of the militias.

The popular consultation process represents an exercise in human rights. First and foremost it represents the right of the East Timorese people to determine their own future by casting their votes in a ballot which is direct, universal and secret. In order to make that choice freely and fairly, other basic rights must be respected - including the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. These freedoms are in turn dependant on guarantees of individual security including respect for life, liberty and security of the person and freedom from torture, cruel, inhuman or degrading treatment and from arbitrary arrest or detention. This is recognized in the Agreements, which states that "[a] *secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor*".

Each violation which takes place - as well as contravening Indonesian and international human rights law and standards - undermines the popular consultation process and represents a violation of the 5 May 1999 Agreements. The prospect of a peaceful future for the East Timorese is threatened by the nature and scale of these violations. With just seven weeks left before the ballot is scheduled to take place, a rapid and dramatic improvement in the security situation is required. While UNAMET is not yet fully in place, Amnesty International hopes that its presence and the presence of international observers will help to improve the security situation. Amnesty International also hopes that the Indonesian government fulfils its obligations under the Agreements and under international human rights standards to protect the rights of the people of East Timor. The government's credibility is at stake, as it has insisted throughout the negotiations of the Agreements on being the sole party responsible for the security of the process and the East Timorese people.

While primary responsibility for ensuring a secure environment rests with the Indonesian authorities, the population of East Timor must refrain from using intimidation, threats and other abuses to force others to adopt their political views. Their cooperation with UNAMET in the implementation of the popular consultation is imperative not only to ensure that the East Timorese people have the opportunity to express their views free from fear, threats and intimidation, but also to lay the foundations for long term peace and development in East Timor.

SECTION 1

THE AGREEMENTS - ROLES AND RESPONSIBILITIES

The Agreements signed in New York on 5 May 1999 were the product of Tripartite Talks between the UN, Portugal and Indonesia which began in 1982. The talks stalled but were resurrected in 1991 as a result of international pressure after the 12 November 1991 massacre in Santa Cruz, Dili.⁴ However, progress was negligible until the UN Secretary General, Kofi Annan brought new impetus to the discussions in February 1997 by appointing a Personal Representative on East Timor, Ambassador Jamsheed Marker. Prospects for reaching an agreement were further enhanced with the change of government in Indonesia in May 1998. The new government, led by President B. J. Habibie, has displayed a greater willingness to cooperate with the international community and has begun to introduce reforms, including human rights reforms.

Following rapid progress towards agreement on an autonomy package, the situation was changed by the announcement of the Indonesian authorities on 27 January 1999 that, if the East Timorese people decided against accepting autonomy, the Indonesian parliament would be asked to consider allowing East Timor to break away from Indonesia.

The Agreements, incorporating three separate agreements, were eventually signed by the Foreign Ministers of Indonesia and Portugal and the UN Secretary-General on 5 May 1999. That an agreement was reached at all is testimony to the changes that have taken place in Indonesia in the past year - in particular to the greater awareness of the need to respect the rights of the people of Indonesia and East Timor.

1.1 The Agreements

The three separate agreements signed in New York are:

- **A main Agreement** which sets out the terms under which the popular consultation will be conducted by the UN, the political consequences of the vote and contains the text of the constitutional framework for the Special Autonomous Region of East Timor (SARET) as an appendix;

⁴ At least 100 East Timorese were killed when members of the Indonesian Armed Forces (ABRI) opened fire on a peaceful demonstration of mourners at the funeral of an independence supporter who had been extrajudicially executed a few weeks earlier.

- **An Agreement on Modalities for the Popular Consultation of the East Timorese through a Direct Ballot** (hereafter referred to as the Modalities Agreement), provides a schedule for the process and criteria on eligibility of voters as well as details of the operational phases including the information campaign, registration of voters, the campaign and the ballot. The UN role in this process is also defined under this agreement;
- **An Agreement Regarding Security** (hereafter referred to as the Security Agreement), effectively underpins the whole consultation process. It stipulates that "*a secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor*". It further states that responsibility for ensuring such an environment lies with the appropriate Indonesian security forces and that the maintenance of law and order will rest solely with the police.

A **confidential memorandum** submitted by the UN Secretary-General was agreed by the parties on 5 May 1999. It outlines the main elements which the Secretary-General expects to see in place before he can approve the implementation of the operational phases of the consultation process. Six of these elements were made public in a report by the Secretary-General to the UN Security Council.⁵ They include:

- the bringing of armed civilian groups under strict control
- the prompt arrest and prosecution of those who incite or threaten to use violence
- a ban on rallies by armed groups
- ensuring the freedom of association and expression of all political forces and tendencies
- the redeployment of Indonesian military forces
- the immediate institution of a process of laying down of arms by all armed groups to be completed well in advance of the holding of the ballot

A UN Security Council resolution of 7 May 1999 welcomed the Agreements and endorsed the proposed UN role. The resolution also requires the Secretary-General to have reported by 24 May 1999 on the beginning of the implementation of the Agreements and thereafter requests him to report to the Security Council every 14 days. His reports on the implementation of the Agreements will be based on assessments carried out by UNAMET.⁶

⁵ Question of East Timor, Report of the Secretary-General. S/1999/513, 5 May 1999.

⁶ UN Security Council Resolution 1236 (1999), 7 May 1999.

1.2 The Role of the United Nations

The UN, under the main Agreement, is entrusted with conducting the popular consultation. It will also have a continuing role after the ballot - either in monitoring the implementation of the autonomy package, or as the transitional authority prior to East Timor becoming independent, depending on the outcome of the vote.

Under the Agreements the UN must not only conduct the ballot but must ensure that it is direct, universal, secret, free of intimidation and fair. The UN is also responsible for ascertaining that the conditions exist for the ballot to take place. In addition, the UN must ensure that all information is available to all parties and must explain to voters - both inside and outside East Timor - the process relating to the ballot as well as the contents of the main Agreement and the autonomy proposal. It is the UN Secretary-General who determines, on the basis of the result of the ballot, that autonomy has been accepted or rejected and he will report this result to the UN Security Council and General Assembly, as well as to the East Timorese people and the Indonesian and Portuguese governments.

In order to carry out this mission, the UN Secretary-General is mandated in the main Agreement to establish an "*appropriate UN mission in East Timor to enable him to carry out the popular consultation*". The Secretary-General has established UNAMET which will consist of 241 international staff including political, electoral and information officers, 420 UN Volunteers, up to 280 civilian police officers (civpols) and 50 military liaison officers. In addition, some 4,000 local staff are expected to be employed by UNAMET and a small humanitarian presence is also proposed. The mission is headed by a Special Representative of the Secretary-General for the East Timor Popular Consultation, Ian Martin. All components of the mission report to him. The Personal Representative of the Secretary-General for East Timor, Jamsheed Marker, will continue to serve in that capacity.

In early May, the United Nations High Commissioner for Human Rights, Mary Robinson, appointed as her Personal Envoy to East Timor Soli Sorabjee, Attorney General for India and former Special Rapporteur on Nigeria. Mr. Sorabjee conducted a mission to East Timor and Indonesia from 14 to 25 May 1999 to assess the current human rights situation in East Timor as well as make recommendations to improve the situation. In a meeting with the Personal Envoy during the mission, President Habibie is reported to have decided to allow "human rights observers" to travel to East Timor. While no report was available of the visit, the Personal Envoy stressed upon his return the importance of urgently disarming the militias and all other armed groups in East Timor.

Amnesty International welcomes the UN Secretary-General's commitment to integrate human rights into UNAMET's various components. This means that each member of the mission, whether they are election officers, civpols or political officers must be aware that human rights reporting is part of their role. For the credibility of the UN and of the whole

process, it is essential that the UN's role does not stop at simply reporting human rights violations and threats to the security of the East Timorese people. It must also take up violations and threats with the Indonesian authorities and with the pro-independence and pro-integration parties. In order to carry this out effectively, there must be clear reporting lines with UNAMET and clear lines of communication between UNAMET and the Indonesian authorities.

1.3 The Role of the Indonesian Government

The Agreements, and by extension the ability of UNAMET to carry out its mandate, are predicated on two fundamental premises. Firstly, that the Indonesian authorities have the will to fulfil their promise to allow the East Timorese people to decide freely and without "*intimidation, violence or interference from any side*" whether to accept or reject the autonomy package and, secondly, that the same authorities are able to provide a secure environment for this process to take place.

To this end, the Indonesian government is obligated under the Security Agreement to ensure "*the absolute neutrality of the Indonesian Armed Forces (TNI)*" and that only the police are responsible for law and order. The Indonesian authorities are expected to fully cooperate with the UN and to provide security for UNAMET members. In addition the Indonesian authorities are obliged to ensure that no campaigning is carried out with the use of public funds and government resources or recourse to pressure of office; that officials of the government do not participate in the campaigning; and that East Timorese officials only campaign in their personal capacity.

According to the preconditions set by the UN Secretary-General, the Indonesian government is expected to take immediate measures towards ensuring that a fair and free ballot can take place. In particular the Indonesian authorities are expected to protect the rights of East Timorese people of all political persuasions to meet and express their views; to redeploy its military forces currently in East Timor; to exercise its control over the armed militias and ban armed rallies; to bring to justice those responsible for inciting or threatening violence; and to work towards the laying down of arms by all armed groups so that the process is completed well in advance of the ballot.

1.4 The Role of the Portuguese Government

The government of Portugal is obliged under the main Agreement to ensure that the East Timorese people are able to decide freely and without intimidation whether to accept the autonomy option proposed by Indonesia or to reject it. It is also required to respect the decision of the East Timorese people in a free and fair consultation. If the autonomy package is accepted, the Portuguese government will initiate the process within the UN which would result in

Portugal renouncing its claim as the Administering Power over East Timor. In the case of autonomy being rejected, the Portuguese government has committed to agree, with Indonesia and the UN, an arrangement for a "peaceful and orderly" transfer of authority to the UN.

As the Administering Power over East Timor, Portugal has argued for the last 23 years, that it bears responsibility for the welfare of the East Timorese people. Moreover, as a main party to the Agreements, it has bound the East Timorese people into a difficult process towards choosing their future within or outside Indonesia. It has also committed itself to ensuring that the terms of the Agreements are respected, including the fact that the ballot must be conducted only when the secure environment required for the East Timorese people to decide freely is reached. In that regard, Portugal is entitled to send an equal number of observers as Indonesia to monitor the implementation of the terms of the Agreements. Like UNAMET, it is important that these observers play an active role in monitoring, reporting and acting upon human rights violations.

1.5 The Role of the International Community

Only a small number of governments, including Australia, have given *de jure* or *de facto* recognition to East Timor's integration into Indonesia. However, few have been willing to publicly criticize the serious human rights violations perpetrated by the Indonesian security forces over the years. The international community now has an opportunity to demonstrate its commitment to human rights by playing an active and, where necessary, critical role during the popular consultation process and beyond.

Under the Modalities Agreement, the governments of Australia, Mozambique, Portugal and the United States are required to cooperate with UNAMET and other relevant bodies to ensure that East Timorese living outside East Timor or Indonesia have access to information and appropriate security to allow them to register as voters and participate in the ballot.⁷ The international community is also being called upon to make voluntary contributions to a UN trust fund to finance the UNAMET operation.

States of the international community must also abide strictly by their obligations under the principle of non-refoulement and ensure that East Timorese asylum seekers who are at risk of serious human rights violations are given effective and durable protection from refoulement.

⁷ Under the Modalities Agreement registration and voting for East Timorese living outside of Indonesia and East Timor will take place in Sydney, Darwin, Perth, Melbourne, Maputo, Macau, Lisbon and New York.

1.6 The Peace and Stability Commission & Komnas HAM

A new body, the Peace and Stability Commission (*Komisi Perdamaian dan Stabilitas*, KPS), has been given the specific role within the Security Agreement to elaborate, in cooperation with the UN, a code of conduct for the laying down of arms and taking the necessary steps to achieve disarmament. The KPS was established as a result of the 21 April 1999 peace accord between pro-integration and pro-independence representatives which was brokered by the Head of the Indonesian Armed Forces, General Wiranto. Ten of the KPS's 11 members were signatories to the accord. They include two representatives from the pro-independence National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorense*, CNRT), two members of pro-integration groups, two representatives from the local government, two from the Sub-regional Military Command (Korem) for East Timor and two from the local police. The eleventh member is from Indonesia's National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM). Komnas HAM is also the facilitator and the coordinator of the KPS.⁸

The UN Secretary-General's report of 22 May 1999 noted that the KPS had yet to become operational. Its inability to function rested on the failure of the Indonesian authorities to provide pro-independence representatives guarantees for their safety, making it impossible for them to participate.

⁸ A branch office of Komnas HAM was first established in Dili, East Timor in 1996. To date its activities have been limited.

SECTION 2

AMNESTY INTERNATIONAL'S MISSION TO INDONESIA AND EAST TIMOR

An Amnesty International delegation of three people visited Indonesia and East Timor between 8 and 27 May 1999. This was the first time that Amnesty International had been permitted access to East Timor. Amnesty International welcomes this greater openness by the Indonesian government and sees it as an opportunity for further constructive dialogue in the future. It is also grateful for the assistance given by Komnas HAM in facilitating the visit.

The delegation spent seven days in East Timor from 15 to 22 May 1999 interviewing victims and witnesses of human rights violations from various parts of the territory. It was itself witness to threats and intimidation of non-governmental organizations (NGOs) and to an attack by armed militias on the houses of independence supporters in the capital, Dili.

The delegation met with NGOs including human rights, humanitarian, women's and student organizations. Meetings were also held with representatives of the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorense*, CNRT), including its President, Xanana Gusmão; with Francisco Lopez da Cruz, the head of the pro-integration People's Front for East Timor (*Barisan Rakyat Timor Timor*, BRTT); with members of Komnas HAM both in East Timor and in Jakarta; and with representatives of the Indonesian government including Secretary of State/Justice Minister Muladi and the Head of the East Timor District Court.

Amnesty International sought meetings with the Military Commander for East Timor, Colonel Tono Suratman, the Head of the East Timor Police, Colonel Timbul Silaen, the Governor of East Timor Abilio Osorio Soares, and with representatives of the Foreign Affairs Department in Jakarta. Unfortunately, none of them were available to meet with the delegation. However, Amnesty International was pleased to be able to have informal discussions with the Deputy Head of Police for East Timor, Colonel Muafi Sahudji, the Chief Prosecutor for East Timor, Jack Djafar, and with members of the Indonesian Foreign Affairs Department who were visiting East Timor. Meetings were also held with members of the UNAMET mission.

SECTION 3

RECENT HUMAN RIGHTS DEVELOPMENTS

Following the resignation of President Suharto in May 1998 and the commitments to reform and respect for human rights by the new government under President Habibie, East Timor experienced a period of relative calm. From June to September 1998, the authorities displayed a greater tolerance towards political dissent and there were regular pro-independence demonstrations in Dili. Student groups, in particular the Student Solidarity Council of East Timor (*Dewan Solidaritas Mahasiswa Timor Timur*, DSMTT), organized public meetings throughout East Timor where the local population were invited to join in discussions about independence and the need for a referendum. The umbrella pro-independence movement, the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorense*, CNRT), was able to operate openly for the first time. Many of those who were politically active during this period have now become targets for human rights violations.

By September/October 1998 reports of human rights violations began to be received again on a more regular basis. The killing of six Indonesian soldiers and one civilian in attacks by the armed opposition group, the East Timorese National Liberation Army (*Forças Armadas de Libertação Nacional de Timor*, Falintil) on 31 October and 9 November 1998 in Manufahi District resulted in military operations in the area to capture those responsible. At least five East Timorese were extrajudicially executed and 45 arbitrarily detained during these operations. Reports of violations continued to be received at the end of 1998 and in the early months of 1999. The majority of the reports at this time came from Liquica, Ainaro, Bobonaro and Covalima Districts and concerned detentions, torture, beatings, threats and intimidation but also included extrajudicial executions and "disappearances".

In late 1998 and early 1999, new pro-integration militia groups were established in various districts. Their emergence has been portrayed by the Indonesian authorities as a spontaneous reaction by pro-integration supporters among the East Timorese to protect themselves against attacks by Falintil, and from more general threats and intimidation by independence supporters. There is genuine and legitimate support for integration among some East Timorese, and inevitably there is tension between the two sides. However, there is strong evidence that these militias were established, and continue to operate, with the support of the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) and to a lesser extent the police, with the objective of undermining progress towards achieving a political solution for East Timor.

There are at least 22 new militia groups now reportedly operating in East Timor, in addition to older paramilitary groups such as Halilintar (in Bobonaro), Tim Alfa (in Los Palos), Makikit (in Viqueque), Tim Saka (in Baucau) and Tim Sera (also in Baucau). In early 1999,

General Wiranto claimed that some of these older groups had been disbanded. This could not be verified at the time and since then there are signs that most of these groups are still operating.



Members of East Timorese militias travelling to a rally in Dili on 17 April 1999. © Reuters 1999

Since the establishment of the new groups, the Indonesian security forces have appeared to take a less direct role in committing violations, giving the conflict the appearance of an intra-Timorese problem. However the TNI is often present and in some cases actively involved when militia operations take place. The police, which are also known to have been involved in some attacks, have frequently failed to carry out their duty to protect citizens from human rights violations. There are numerous reports and eyewitness accounts of TNI-supplied weapons

being used by militias and of militias being trained by the TNI. TNI facilities are frequently used by militias to detain, torture and ill-treat their captives. Members of the military intelligence unit of the Special Forces Command (*Komando Pasukan Khusus*, Kopassus) called the Intelligence Task-Force (*Satuan Tugas Intelijen*, SGI), were reported to have been present during some militia attacks and are believed to be closely involved with the militias⁹. (The role of the TNI and the police is elaborated in Section 4 - Security Arrangements in East Timor).

The militias claim to have a combined membership of 50,000, a number which is not possible to verify. Among the most notorious of the new groups is Besi Merah Putih (BMP, Iron Red and White¹⁰) which has been involved in some of the worst violations that have taken place in the past few months, including an attack on a church compound in Liquica on 6 April 1999 in which at least 21 people are known to have died and an attack on a house in Dili on 17 April 1999 which left at least 12 dead. BMP is now said to be in total control of Liquica town and the surrounding areas where many internally displaced people are gathered. Among the other groups which have featured regularly in reports of violations are *Mati Hidup Demi Integrasi* (Mahidi, Live or Die with Integration), which operates in Ainaro District; *Kelompok Naga Merah* (Red Dragon Group) which operates in Ermera District and *Aitarak* (Thorn) which operates in Dili.

⁹ SGI is one of the units which has been most closely associated with serious human rights violations in East Timor over the years including arbitrary detention, torture and ill-treatment, "disappearances" and extrajudicial executions.

¹⁰ "Red and White" refers to the colour of the Indonesian flag.

Amnesty International is concerned by the recent announcement that members from two militia groups, BMP and Aitarak, are to be recruited into a voluntary civilian defence force called PAM Swakarsa which, according to the Indonesian authorities, is to act as an auxiliary security force for the ballot. Members of the unit will be uniformed and issued with wooden sticks. Eurico Guterres, the Commander of Aitarak and Deputy Commander of all the East Timor militia groups, has been appointed the head of PAM Swakarsa. Eurico Guterres has become well known in recent months as being among the most hardline of the militia leaders. Defending the appointment, the head of the Indonesian police in East Timor, Colonel Timbul Silaen, explained that everyone had the right to take part in security for their own environment and went on to deny any knowledge of the public threats made by Eurico Guterres against independence supporters.

There are many credible reports of people being coerced into joining militia groups. Recruitment operations have targeted whole villages. In one case, 12 people in Atara Village in Ermera District were killed on 16 May 1999, apparently because the village had refused to join the militia group Tim Pancasila. A number of other people described to Amnesty International how they had been threatened, beaten or detained because they had refused to join militia groups.

Amnesty International believes that the militias should be disarmed and disbanded and that militia members responsible for human rights violations should be arrested and brought to justice. The organization considers it to be inappropriate to recruit into civilian defence units individuals from militia groups which are known to have been involved in human rights violations. Furthermore, under the Security Agreement, the police are given sole responsibility for maintaining law and order. The use of civilian defence units composed at least partially of members of militia groups therefore contravenes the spirit of the Agreements.¹¹

During early 1999, the majority of violations committed by militias were arbitrary arrests and detentions, torture, beatings, threats and intimidation. Amnesty International also received some reports of extrajudicial executions and "disappearances", but the number was relatively small compared to later months. The frequency and ferocity of militia activity increased in April and, in particular after 5 April 1999 when the CNRT leader Xanana Gusmão issued a statement calling on Falintil to take all steps necessary to defend the people of East Timor against "*the unprovoked and murderous attacks of armed civilians and ABRI*".¹² The

¹¹ Amnesty International has expressed concern in the past about the Indonesian government's use of civilian defence forces to help police elections because of their inadequate training, lack of transparent chains of command and the absence of institutionalised processes by which allegations of human rights violations can be investigated. (Indonesia: Briefing for ASEM Foreign Ministers Meeting, March 1999, AI Index: IOR 30/04/99).

¹² ABRI was the name of the Indonesian armed forces prior to the separation of the police on 1 April 1999.

statement was widely interpreted as an order to Falintil to resume operations, despite Xanana Gusmão's assurance to the contrary.

The intimidation and violence by militias escalated in the following weeks culminating in killings in Dili on 17 April 1999 after a rally of some 1,500 militia members on the streets of Dili. In response to these events, at the initiative of General Wiranto, a peace accord was signed on 21 April 1999 by pro-integration and pro-independence representatives and counter-signed by representatives of the local government, the TNI and the police. However, it does not appear to have been regarded with any seriousness by either the militias or the security forces in East Timor. On the day the accord was signed and in the days immediately after, there were several reports of killings carried out by militias or by joint militia/TNI groups.

Neither did the signing of the Agreements on 5 May 1999, and Indonesia's commitments within them to guarantee security, bring any perceptible improvement to the human rights situation. Indeed from 5 May 1999 to 10 June 1999, Amnesty International recorded at least 34 extrajudicial executions and 50 arbitrary arrests. At least four of those arrested are known to have been tortured or ill-treated in custody. The general atmosphere of fear persists as militia groups continue to carry out their activities with impunity.

The pro-independence armed opposition group Falintil has also been responsible for human rights abuses since November 1998. Although Amnesty International has not been able to verify many of the accusations of Falintil abuses which have come from the Indonesian authorities, the organization has confirmed several incidents, including executions of Indonesian military personnel and civilians. Many Indonesian transmigrants or professionals who had been posted to East Timor have left the territory in recent months. Their departure has been prompted by anticipation of unrest, but also because of threats and intimidation by independence supporters.

3.1 Categories of people at risk

The overwhelming majority of victims of the violations have been independence activists and supporters or people who have been labelled pro-independence because of their family ties, their work or because of their refusal to publicly support autonomy and continued integration with Indonesia. In a few cases the situation has also been used to settle private disputes.

Members of the CNRT and student groups are prominent among the victims. Many are believed to be named on lists of individuals to be targeted which are said to be held by the militias and the military. In some cases, photographs of the intended victims have been displayed at militia posts or otherwise used to track down the victims. There are also reports that rewards have been offered for the arrest of some pro-independence activists. Amnesty International is unable to confirm this.

Apart from the categories of people who have been specifically targeted, there is a more general, yet equally deliberate, campaign of severe intimidation, which has impacted on the lives of ordinary people causing many thousands of them to flee their homes. Humanitarian workers, human rights activists, church members and others who have assisted internally displaced people (IDPs) and other victims of human rights violations have in turn been labelled as independence supporters and become targets.

The ability of local journalists and local human rights NGOs to report on the situation is restricted by accusations of bias and by threats, intimidation and, in some cases, physical attacks. The international media has also been accused of bias when reporting on human rights violations; several journalists have been beaten or threatened by militias while trying to cover the situation.

Accusations of bias have been made against UNAMET by the Indonesian authorities, apparently in an attempt to undermine its credibility. Local authorities and militias have made some attempts to prevent UNAMET from carrying out a full assessment of the security situation by threatening witnesses to human rights violations who have spoken to UNAMET staff. Local staff hired by UNAMET have also been threatened.

3.1(i) Supporters of independence and the National Council of Timorese Resistance

There has been continued resistance by East Timorese people to Indonesian rule since the 1975 invasion. This resistance has taken the form of both peaceful and armed opposition. In 1986 the various groups involved joined together to form the National Council of Maubere Resistance (*Conselho Nacional da Resistência Maubere*, CNRM), a non-party political front which aimed to unite all those in favour of independence, with Xanana Gusmão - who is currently serving a 20 year prison sentence - as President. In 1998, the CNRM was replaced by the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorense*, CNRT), which contained an expanded membership of pro-independence groups. Until the changes brought about by the resignation of former President Suharto in May 1998, it was not able to function openly. Members and supporters were frequently the victims of human rights violations including arbitrary detention, torture, extrajudicial execution and "disappearance".

In late 1998, greater political freedom in East Timor allowed the CNRT to operate openly as a political movement. In September 1998, CNRT's leadership inside East Timor was publicly announced for the first time. An office was opened in Dili and branches were established outside the capital at district, sub-district and village level.

However, this period of openness was short-lived. From January to April 1999, when militia operations were conducted in the districts of Bobonaro, Covalima, Liquica and Ainaro in particular, and to a lesser extent in other districts such as Dili and Ermera. With the direct

involvement or support of the TNI and, to a lesser extent, the police, the militias conducted house to house searches in many villages throughout these districts with the intention of threatening, intimidating and, in many cases, detaining CNRT members and independence supporters. Villages where CNRT support was known to be strong were frequently targeted.

Dozens of people were taken into custody by militias and detained briefly at either TNI or militia posts where they were frequently tortured or ill-treated before being released. A typical case took place on 14 January 1999, when nine male residents of Vatuboro Village, Maubara Sub-district, were reported to have been taken into custody by Territorial Battalion 143 (BTT 143) from Maubara and members of three different militias: BMP, Kelompok Naga Merah and Mahidi. The men were believed to have been arrested because they were suspected of supporting independence. They were detained at the local BTT 143 post but later released. Houses of independence supporters were also destroyed during the operation.

There were also extrajudicial executions during this period. In late January 1999, Mahidi killed four people in Zumalai Sub-district, Covalima District. Fernando Cardoso was shot dead on 24 January 1999 by members of Mahidi and a joint military force of marines, infantry and Kopassus officers. The following day, three others, Olandino Pereira, Angelina de Jesus, who was reportedly pregnant, and Luis Pereira, aged 15, were shot dead. Many of these militia operations, appear to have been designed to provoke confrontations between pro-independence youth and the militias - the effect of which has been to deepen divisions among the East Timorese people and to draw out and identify supporters of independence, including CNRT members.



East Timorese pro-independence activists protest in Jakarta about the ongoing violence in East Timor. © Reuters 1999

In March and April 1999, the campaign against the CNRT and independence supporters intensified. In public ceremonies and as part of their operations, militia groups made open threats against CNRT members. Increasing reference was made to "wanted lists" held by different militias and the TNI. Several CNRT members who spoke to Amnesty International said that they believed their names were on these lists. Some spoke of having seen

the lists themselves, while others said they had been told by friends or by informers within the militias that their name featured on a list. In some cases they had also been threatened or there had been attempts to detain or kill them.

The number of CNRT supporters detained or unlawfully killed increased after April 1999. Many of the victims were believed to have been on a "wanted list". One of them was Domingos Aparicio, a member of the CNRT and a human rights worker from Viqueque, who was shot and injured on 5 May 1999 by members of a local militia group called Barison 59/75¹³, who later beat him to death.

Bonaficio, a 28 year old youth leader and CNRT leader from Maliana in Bobonaro District, had been actively pursued by the paramilitary group Halilintar for several weeks before he was believed to have been eventually killed. Bonaficio had been briefly detained after the killing of Manuel Gama, a member of the TNI and a pro-integration public servant, in Cailaco Sub-district, Bobonaro District on 12 April 1999. Following his release he went into hiding, but was taken into custody by Halilintar on 10 May and taken to Batugede village in Balibo Sub-district, Bobonaro District, where he is believed to have been killed.

CNRT members and others involved in reconciliation initiatives have also become the victims of human rights violations. Two men, Helder Martins and Mateus (or Carlito) Tilman died after they were shot by a joint team from the District Military Command (Kodim) in Ermera, the Police Mobile Brigade (Brimob) and the police on 14 April 1999 in the town of Gleno, Ermera. They were among a group of people, including CNRT members, which had fled to the hills following operations conducted by the militia group Darah Merah, the TNI and the police. According to one of the group, Helder Martins and Mateus Tilman returned to Ermera on the invitation of the local police and Kodim to participate in a reconciliation dialogue. They travelled to the town on 14 April 1999 and were eating breakfast when the joint team opened fire on them. Even though Helder Martins and Mateus Tilman put their hands in the air to surrender, the firing continued, killing them both instantly.

The CNRT has also been subjected to a broader campaign of threats and intimidation. An episode in the enclave of Ambeno typifies the pattern. In April 1999, a new militia called Sakunar (Scorpion) was established in the district. On 18 April 1999, on returning from the militia rally in Dili the day before, Sakunar members, assisted by Battalion 745 threatened CNRT supporters in the district capital, Pante Macassar, and burnt or damaged at least six houses belonging to CNRT members. Others suspected of being CNRT members, including Markus Bobo and Antonio Lafu, were beaten and detained. On 1 May 1999 a public meeting was held in Oe-Silo by the Governor of East Timor, Abilio Osorio Soares, the East Timor Military Commander, Colonel Tono Suratman and the Head of Police for East Timor, Colonel

¹³ The figure 59 refers to 1959 when there was an East Timorese uprising against the Portuguese colonial administration in Viqueque. The figure 75 refers to 1975 when Indonesia invaded East Timor.

Timbul Silaen.¹⁴ Around 2,000 people attended the meeting. Some of the attendees reported to Amnesty International that speeches were made by government officials in which it was said that the CNRT should no longer be permitted to exist and that the people should vote for autonomy. Threats to kill those who favour independence were also said to have been made. On the same day, the CNRT in Ambeno was closed down and its members pressured to join a branch of the pro-integration group, Forum for Unity, Democracy and Justice (*Forum Persatuan, Demokrasi dan Keadilan*, FPDK) which was established in its place.

The increasing number of attacks against CNRT members and supporters has effectively disabled the party and contributed to the growing sense of fear and intimidation in East Timor. During April 1999, the CNRT began to dissolve its branches in various districts, including Bobonaro, Ermera, Ambeno and Manututo. The CNRT's head office in Dili was also closed on 17 April 1999, although it has recently been announced that it will shortly reopen. At the same time, the CNRT leadership either fled East Timor or went into hiding. The intended CNRT representatives on the Peace and Stability Commission (KPS), Leandru Isaac and David Ximenes, went respectively into protective police custody and hiding. Both have recently received guarantees from the police for their security. Leandru Isaac left protective police custody on 30 May 1999, but David Ximenes remains in hiding, unconvinced by the guarantees for his security.

The CNRT should play a key role in the popular participation process. As the main pro-independence group, it would be expected to take a prominent role in the campaigning and should also be represented on the KPS. There is also provision for CNRT representation on the Independent East Timorese Human Rights Commission (*Komisi Independen Hak Asasi Manusia Timor Loro Sae*, Kihamtil) which was recently formed by Komnas HAM to facilitate dialogue on peace and human rights and to investigate human rights violations. However, the possibility of the CNRT being able to participate fully is being seriously jeopardized by the ongoing violations against its members and supporters.

3.1(ii) Civil servants

The incidence of human rights violations against civil servants in recent months is closely related to the broader campaign against the CNRT and independence supporters in general. There are estimated to be some 36,000 civil servants in East Timor, around 14,000 of whom are East Timorese. Pressure is being brought to bear on them to use their influence to obtain support for the autonomy option in their local communities. Those who are not willing to make personal pledges to support autonomy are automatically assumed to be members of the CNRT and are therefore at risk.

¹⁴Kompas, 3 May 1999.

Under President Suharto's New Order Regime, control was exercised over civil servants through their obligatory membership of the Civil Service Corps of the Republic of Indonesia (*Korps Pegawai Republik Indonesian*, Korpri) - a requirement which has since been relaxed. Civil servants and their families were also pressured to vote for the government party, Golkar, in elections. Total loyalty to both Golkar and the President, and by extension to Indonesia, was expected.

Since the beginning of this year, East Timorese civil servants including employees in provincial and local government departments, heads (*Bupati*) of the 13 districts, heads (*Camat*) of the 63 Sub-districts and heads (*Kepala Desa*) of the 442 villages have been subjected to threats and intimidation to pledge their support for integration with Indonesia and to commit to voting for autonomy in the forthcoming ballot. Government authorities have threatened to stop their pay or dismiss them, or to confiscate government property (such as vehicles) if they do not support autonomy. In some cases these threats have been carried out. Civil servants are also among those who have been extrajudicially executed because of their membership or assumed membership of the CNRT.

As early as February 1999, the *Bupati* of Bobonaro, was reported to have been distributing letters to civil servants in his district. According to reports in the East Timorese newspaper *Suara Timor Timur* (STT), civil servants in Bobonaro were told to choose between autonomy and independence and warned that those who did not support the former would lose their jobs.¹⁵

In early April 1999, the Governor of East Timor, Abilio Osorio Soares, together with the Commander of the TNI in East Timor, Colonel Suratman, the head of police, Colonel Timbul Silaen and the head of the district held a meeting in the town of Gleno, Ermera District for civil servants in the area. According to one person who was at the meeting, the Governor explained that, as they were civil servants paid by the Indonesian state, they should support autonomy and that a special statement indicating their support for autonomy would soon be prepared by the head of the district for all staff to sign. The Governor allegedly went on to suggest that those who did not support autonomy should leave their jobs and that the safety of those who did not sign could not be guaranteed. This was understood to be a threat to their personal security by those who spoke to Amnesty International. Civil servants in Ermera reported receiving the statements referred to by the Governor in mid-April 1999. Similar statements were received by civil servants elsewhere during April and May 1999.

Similar meetings are said to have taken place in other districts including Bobonaro Manufahi, Covalima, Liquica, Ambeno and Aileu - both before and after the Agreements were signed; in some cases representatives of the regional authority, including the Governor, attended these gatherings; others were organized by local officials. In Dili, for example, employees in

¹⁵ *Suara Timor Timur* (STT), 24 February 1999.

the Governor's office were gathered together by their respective heads of department in early April 1999 and given a pro-autonomy declaration to sign.

Threats to civil servants have also been made by militia groups. On 13 April 1999, a declaration signed by Eurico Guterres in his capacity as the Commander of the Dili-based militia group Aitarak, appealed to civil servants who oppose integration to resign their positions and return government facilities. Four days later, at the militia rally in Dili on 17 April 1999, Eurico Guterres was reported to have said: "*Today we are going to each government office, we will rid them of civil servants who are against Indonesia*". He went on to command "*all pro-integration militias to conduct a cleansing of all those who betrayed integration... Capture and kill if you need.*"¹⁶ Senior military officials and the *Bupati* of each of the 13 regions were said to have been present at the rally. In addition, Amnesty International has obtained a copy of a letter, purportedly signed by Eurico Guterres as Commander of Aitarak, to the Governor of East Timor listing civil servants who, following Aitarak's investigation, had been found to be members of the CNRT and should be sacked.

Amnesty International received a report from Lolotoi Sub-district, Bobonaro District about a civil servant who had refused to sign a statement supporting autonomy which had been given to him by the *Bupati* of Bobonaro. Fearing for his own safety, he left his home and sought protection with the Church. His wife is regularly threatened by members of the Sub-district Military Command (Koramil) that her family will be killed if her husband continues to reject the autonomy option.

Government employee Jacob Martins Reis Fernandes was a long term supporter of independence and a member of the CNRT. He had been the *Camat* of the Sub-district of Hatolia in Ermera District for around 10 years. He had not made his political views public, although suspicions that he was an independence supporter had resulted in sporadic threats against him since 1992. After the new government came to power in Indonesia in 1998, he organized and led a local reconciliation initiative, the Ermera People's Dialogue Forum (*Forum Dialogue Masyarakat Ermera*, Fodimer). More recently, he provided assistance and protection to IDPs (internally displaced persons) who had left Maubara Sub-district in Liquica District to escape from BMP activities in the area during the course of February 1999. Jacob Fernandes was first targeted after he criticised the shooting on 23 February 1999 of a number of IDPs who had returned to Maubara Sub-district in order to participate in a reconciliation process. According to reports, when they arrived at Guico village for the talks with representatives of the local authorities, a senior local government official and a member of Koramil got out of their vehicle and, without warning, began shooting at them. Shots were also fired by members of BTT 143. At least four people are known to have been injured in the attack.

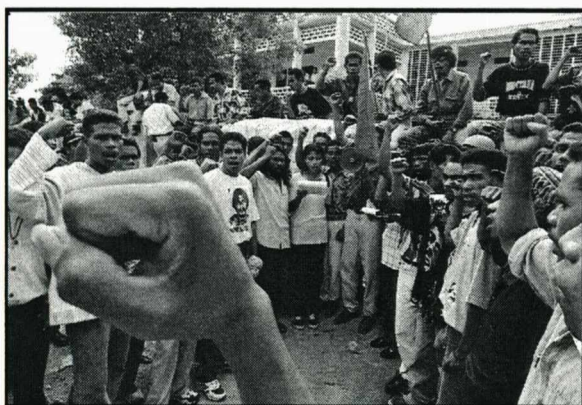
¹⁶ *Agence France Presse* (AFP), 17 April 1999.

Following the publication of an interview in STT in which Jacob Fernandes criticized the local government official for his involvement in the incident, Jacob Fernandes began to receive threats. On 10 April 1999, he was reported to have been stopped on the road to Gleno by members of the TNI and BMP who shot at him as he escaped. After this incident he went into hiding. In the meantime, his family have come under increasing pressure. Members of Brimob and militia groups have visited their house in Dili asking for Jacob Fernandes. The house has been stoned at least 12 times. Although the house is only 50 metres from a military post, there has been no attempt by the TNI to intervene.

The fate and whereabouts of Jacob Fernandes is not known. He has not been heard from since mid-May 1999. According to one report, he was arrested by the TNI in the village of Fatubolu, close to the town of Ermera, on 17 May 1999, and was subsequently killed.

3.1(iii) Students

Students have traditionally played a prominent role in the independence movement in East Timor. They have frequently been at the forefront of pro-independence demonstrations and many have been members of underground political groups or groups providing support for Falintil. These activities have led students in general to be perceived by the authorities as supporters of independence. Over the years, students have been victims of human rights violations, including arbitrary detention, imprisonment as prisoners of conscience, torture and ill-treatment, "disappearance" and extrajudicial executions.



Students demonstrating outside the University of East Timor, Dili on 7 May 1999 © Reuters 1999

As political restrictions eased after May 1998, East Timorese students organized public meetings throughout the 13 districts to discuss the status of the territory. Many of these were organized by the Student Solidarity Council of East Timor (*Dewan Solidaritas Mahasiswa Timor Timur*, DSMTT), a group of East Timorese students studying in Dili. On some occasions the students approached the local government, military and police authorities to seek permission for the meetings. Members of student groups were also engaged in reconciliation initiatives with supporters of integration and the militias.

The active and open role played by students over the last year has made them a particular target for threats and attacks by militia groups. Many student activists who became publicly known because of their participation in the meetings or because they were involved in reconciliation initiatives are among the victims of human rights violations now. Like the CNRT, student organizations have again been forced to operate underground and many students have gone into hiding or have fled East Timor in fear for their lives.

Amnesty International met with dozens of students who related experiences of being threatened and intimidated. Most believed that they were on lists held by militia groups or the TNI. Some believed that photographs are currently being used to identify them. A relative of Maria dos Santos (not her real name) was shown a photograph of Maria by militia members who came to their house in Dili in March 1999. Photographs and contact details of several other students were said to be visible on the same page. Maria, who is a member of the women's branch of the DSMTT called the East Timor Female Youth Group (*Grupo Feto Foin Sae Timor Lorosae*, GFFTL), had been forewarned that the militia were coming and managed to escape. However, a large amount of money and clothes were stolen from the house. Maria was later told by a friend that her photograph was also held at the Regional Police Command (Polda) in Dili together with a list which contained over 100 names including students and CNRT members. Several days after the signing of the Agreements, Maria's family received a threat from a militia group that their house would be burnt down.

In another case, a photograph of a student from Ambeno was shown to two schoolgirls by two soldiers who were trying to locate the student. The soldiers were in plain clothes but were known to the girls. The photograph showed the student playing volleyball, but the student told Amnesty International that he had not seen it being taken. The student has since had to leave Ambeno because of threats against him.

A student who uses the false name of Fatukmean, described having seen an eight page list in the SGI headquarters in Dili, which contained some 450 names, approximately half of which were students from Dili. He said that it appeared from the list that the leaders of the DSMTT were the main targets.

Aurelio Freitas Ribeiro, a university student who originates from Los Palos, in Lautem District, told Amnesty International that a senior government official from the Lautem District administration had told him in March 1999 that his name was known and that one day he would pay someone to kill him. He described two attempts by local militia to detain him in April 1999. The first time, he was stopped outside the local parish church in Los Palos by members of a militia group who threatened to shoot him. Aurelio Ribeiro escaped and sought protection from the Kodim commander. Five days later, a joint military and militia team, including Kodim soldiers, came to his family house and told him to get his weapon to "prepare for a fight". He went again to the Kodim commander seeking protection, but this time he claims that he was not only refused protection but that the commander also threatened to kill him. Aurelio Ribeiro fled

the area, but his family have since been targeted in his place. On 25 April 1999, his brother was arrested, having been shot and injured by members of the paramilitary unit Tim Alfa and Kodim soldiers. He was taken to Kodim where he was beaten and forced to sign a statement supporting autonomy before being released on the same day.

A number of students who had fled from various districts described how they had been pursued by militias. One student, who is also a member of the DSMTT, told Amnesty International that members of BMP first came to his home in Dili in an attempt to arrest him. When they realized that he was not there, they travelled to Covalima District and questioned his brother about his whereabouts. Having failed to find him again, the BMP members returned to Dili where other attempts were made to trace him. He has since left Dili.

Another DSMTT student, who had been active in organizing public meetings during 1998, claimed that members of an Aileu-based militia group Aileu Pencinta Integrasi (API, Aileu Devotees of Integration) had made five attempts to trace him; three at his family home in Aileu, and two at the house where he lived in Dili. Having failed to find him after one attempt on 20 April 1999, the militia members left a letter at his home saying that they would kill his family.

Gregorio Sarmento, a 24 year-old student from the University of East Timor (UNTIM) and member of the DSMTT, was shot dead after he was detained at a joint militia and military road block at Venilale, Baucau District, on 26 March 1999. He was already known to the authorities because of his involvement in organizing political dialogues during 1998 and because he had been arrested a few years previously for alleged links to Falintil. Another two UNTIM students, Bernadino Simao and João Ximenes, were killed in April 1999 in Suai Sub-district, Covalima District where they were carrying out field work. Bernadino Simao had only recently been released from prison after serving a sentence for assault following a confrontation between the military and UNTIM students in 1997. According to another student who was staying nearby at the time, members of the Mahidi and Laksaur Merah Putih militias came to their house in the village of Belekso on 12 April 1999 to find Bernadino. He was taken to the militia post where he is believed to have been killed. João Ximenes was not believed to have been among those being sought by the militias but is thought to have been killed merely because he was present when the militias came to take his friend away.

The Hera Technical College on the outskirts of Dili, where many students are members of the DSMTT, has been the target of joint Aitarak and TNI operations in recent weeks. On 10 May 1999, Battalion 744, a TNI combat unit called Zipur 2 and Aitarak positioned themselves at the front of the campus and ordered all the students and staff to leave. The TNI claimed that the operation was carried out in response to reports that Hera students were using college equipment to manufacture weapons. Journalists reported that the students - in anticipation of a militia attack - had been making weapons including bows and arrows and by attaching knives to sticks.

One teacher who was on the campus that day claimed that gunfire could be heard as the students tried to leave the campus. There are concerns for the safety of eight students who have been missing since that day. It is not known if they are in hiding or if they have "disappeared". The campus is now effectively occupied by the TNI and Aitarak. On 20 May 1999 two students, Stevao Pereira and Agustinho da Costa, who went back to the college to collect belongings, were detained and beaten by Battalion 744 and another TNI unit called *Garuda Hitam*. They are then believed to have been taken to Aitarak's headquarters in Dili, the Hotel Tropikal. Human rights monitors who tried to find them in both police and military custody were told that the two had escaped from custody. There is no confirmation of this and there are grave fears for Stevao Pereira and Agustinho da Costa's safety.

3.1(iv) Internally displaced persons (IDPs)

Each attack by the militias and/or the Indonesian security forces causes more people to leave their homes and their livelihoods in search of safety. Once people become displaced in this way, they become particularly vulnerable to further human rights violations. There is growing evidence that a pattern of forced relocation is emerging in some areas with reports of people being instructed to leave their villages and relocate to designated areas.

While the precise scale and aim of the relocation is unclear, there are indications that militias in some areas have gathered people in towns or villages in order to control them and forcibly "socialize" them into supporting the autonomy option. The effect of such displacement is to jeopardise the ability of the East Timorese to participate freely, openly and safely in the popular consultation process. The lack of security for IDPs has serious implications for their ability to receive information about the popular consultation process and the choices being put to them; to register as voters; to participate in the campaigning and to cast their votes on the day of the ballot. It also has serious implications for the livelihoods and food supplies of those affected, since they may be unable to gain access to their land to harvest subsistence and cash crops.

The precise number of people who have fled their homes is impossible to ascertain because the security situation prevents access to many areas where IDPs are concentrated. According to one of the main humanitarian agencies in Dili, there were over 44,000 IDPs in early May 1999. While being unable to confirm the precise figure, other agencies in East Timor agree that it is a realistic estimate.

The total figure given by the local government department, the East Timor Local Area Social Department, is much lower at just over 14,000. Given that most of the domestic humanitarian agencies agree that in Liquica Sub-district alone there are between 11,000 and 16,000 IDPs and that BMP have also acknowledged this figure, it seems likely that this figure is a considerable underestimate.

Nevertheless, the number of IDPs is inevitably fluid, fluctuating from day to day depending on the occurrence and frequency of violent incidents in a particular area. While some IDPs are able to return home, others are forced to leave one refuge for another when new incidents of violence occur. There are many others who are believed to have fled to the mountains and do not feature in any of the estimated figures.

The majority of the IDPs are located in and around Dili and in districts in the western part of East Timor, particularly Liquica, Ermera, Manufahi, Covalima and Bobonaro, as a result of the militia activity. The first wave of displacement resulted from military operations in Manufahi District to capture those responsible for attacks on Indonesian military personnel in Weberek, Alas Sub-district on 9 November 1998. Around 300 people were reported to have fled to the church compound in Alas. According to information provided by humanitarian agencies, joint operations by the paramilitary group Halilintar and the Indonesian security forces in December 1998 in Bobonaro Sub-district, Cailaco District, drove some 2,000 people to the church in Maliana. Although they returned home after local priests secured guarantees for their safety from the local authorities, another 600 people entered the church in March 1999 after further attacks by Halilintar.

As the level of threats, intimidation and violence increased during the first five months of 1999, so too did the number of IDPs. Humanitarian agencies registered 5,975 people in the church in Suai, Covalima District in January 1999 as a result of operations by the militia group Mahidi in Zumalai Sub-district and Covalima District. Again, they were able to return to their homes within a few weeks after local priests had obtained guarantees for their safety. However, over 1,100 others sought refuge in the church from attacks by the militia group Laksaur Merah Putih in Tilomar Sub-district, Covalima District in March 1999. During the course of BMP operations in the Sub-district of Maubara, Liquica District from January through to April 1999, over 3,000 people left and went to Sare village, Hatolia Sub-district, Ermera District. At least 5,000 IDPs are now said to be in the town of Hatolia and the surrounding villages. Another 2,000 relocated to the town of Maubara itself, while around 1,000 fled to Dili. As of the first week of April 1999, humanitarian agencies had registered around 1,700 other IDPs in Dili who had arrived from the districts of Manufahi, Ermera, and Ainaro between November 1998 and April 1999.

There have been relatively few reports of IDPs in the eastern parts of East Timor, although operations by the paramilitary group Makikit, members of a trained civilian defence unit (*Rakyat Terlatih*, Ratih) and the District Military Command (Kodim) in March 1999 in the Sub-district of Lacluta, Viqueque District are reported to have caused nearly 500 people to relocate to Viqueque town.

There are no guarantees that those who have fled from violence by militias or the Indonesian security forces will find safety at their destination. In a number of cases, most

notably on 6 April 1999 in Liquica and on 17 April 1999 in Dili, precisely the places where IDPs were seeking sanctuary were targeted for attack.

Some 2,000 people were sheltering in the church compound in Liquica when it was attacked on 6 April 1999 by BMP militia members together with Brimob and Kodim personnel. Many were inhabitants of Liquica town who had fled from the attacks in the town and the surrounding villages the previous day. These were carried out by BMP, together with TNI members, including from Koramil, and resulted in the deaths of at least five people. Others had already fled once to Liquica town in previous weeks to escape militia activities in villages around Maubara and Bazar-Tete but were forced to go to the church compound when Liquica town was attacked on 5 April 1999. At least 21 people, and possibly many more, died in the 6 April attack and human rights monitors reported another 16 missing, some of whom may have gone into hiding. It has not been possible to determine the current whereabouts of these 16 people.¹⁴

Of the 160 or so people in the house in Dili of Manuel Carrascalao when it was attacked in a joint militia, military and Brimob operation on 17 April 1999, 143 were IDPs. Carrascalao and his family had begun to offer shelter to IDPs in late 1998 and by the day of the attack there were people from Alas, Turiscai, Ainaro, Maliana, Maubara and Liquica in the house. They included ten women, 27 children and two babies.

A retired member of the East Timor regional parliament and a former supporter of integration, Manuel Carrascalao had become increasingly vocal in his criticism of the excesses of the Indonesian security forces in East Timor in recent years. In December 1997, he and a number of other prominent East Timorese people founded the Movement for Reconciliation and Unity of the People of East Timor (*Gerakan Rekonsiliasi dan Persatuan Rakyat Timor Timur*, GRPRTT) in an attempt to find a solution to the problems of East Timor through dialogue. These activities resulted in regular threats against him. However, when the family began to shelter IDPs in late 1998 the threats began to be linked to their presence in his house. Manuel Carrascalao believes that the threats were prompted by the fact that many of the people he was sheltering were witnesses to human rights violations elsewhere in East Timor. For this reason he initially refused to allow journalists to speak to the IDPs, believing that by refraining to make public statements or apportion blame, the IDPs would not be attacked. In Manuel Carrascalao's own words: *"I didn't think they would take revenge, because what I did was more for humanity. I was once a refugee myself and recall how people helped me then. I just wanted to do the same for them."*

After the attack on the Liquica church, Manuel Carrascalao decided that it was better to give the journalists access: *"I wanted people to see that no one was armed - I did not want*

¹⁴ For further details see: East Timor: Paramilitary Attacks Jeopardise East Timor's Future, (AI Index: ASA 21/26/99), April 1999.

an attack to be justified on the grounds that people in the house had weapons in the way that the Liquica attack was justified".

Warning of an attack in Dili came earlier on 17 April 1999, in the speech made by the Deputy Commander of the militias, Eurico Guterres, in front of around 1,500 militia members who had gathered in front of the Governor's Office (see Section 3.1(ii) Civil Servants). Believing that he was one of those being referred to by Eurico Guterres, Manuel Carrascalao went to the office of the TNI Commander for East Timor to ask for protection. Colonel Suratman is reported by someone who was present at the time to have said: "*We can't do anything - we are neutral. You didn't want to play our game*". He went on to accuse Manuel Carrascalao of being the Secretary General of the CNRT and suggested that he should seek protection from them.

The attack, which was carried out jointly by the BMP and Aitarak militia groups began at approximately 2pm, shortly after Manuel Carrascalao's meeting with Colonel Suratman. The militia members were reported to have been armed with automatic rifles, machetes and knives. According to one eyewitness, the TNI and Brimob were also involved in the attack. The Indonesian authorities have admitted that 12 people died in the attack, although it is thought that the real figure may be higher. Among the dead were Manuel Carrascalao's 17 year old son, Mario Manuel Intan Manoie Viegas Carrascalao - known as Malito. He had called his father on his mobile phone shortly before he died to tell him that militia members had broken down the gates and were entering the house and to warn his father and his sister not to return home.

Elswhere there are indications that IDPs are being gathered together and pressured to support autonomy and to prevent them from providing support to Falintil. It is reported that the residents of eight villages were instructed to relocate to Liquica town. The number of people affected is thought to be several thousand. According to reports, the BMP militia group is now effectively controlling the IDPs in the town and surrounding villages. Information is scant and difficult to confirm because of extremely limited access to the area. Although there have been a number of visits by foreign government officials, none of the humanitarian agencies, either domestic or international, have been permitted to work there since the beginning of April 1999. Similarly, security conditions make it impossible to carry out detailed human rights investigations in the area.

However, there are credible reports which indicate that BMP in Liquica town, and possibly in other parts of the Liquica Sub-district, is controlling access to the IDPs by aid workers, journalists and others and is placing restrictions on the IDPs leaving the town. Several reports have indicated that IDPs must obtain travel permits from the militia if they want to leave. BMP are also reported to have taken charge of food distribution. There are said to be meetings twice a day at which the IDPs have to shout pro-autonomy and pro-Indonesia slogans and sing nationalist songs. All adult males have to take part in guard duty - there have been reports of

beatings if they do not obey or are thought by the militias not to be carrying out these duties effectively.

Again, no detailed assessment of the conditions in which IDPs in Liquica are living can be made at present. However, according to reports, many are living in the houses of those who fled after the killings in Liquica on 5 and 6 April 1999. Others are staying in schools, under canvas or out in the open. There are said to be only one or two sources of running water and the food supplied by BMP is said to be insufficient. There are believed to be health facilities in the town, but according to some reports, IDPs either cannot afford to, or are too afraid, to use them. IDPs are reported to be suffering from a number of illnesses, including diarrhoea, fevers, eye problems, coughs, influenza and tuberculosis.

East Timor's economy remains underdeveloped and the majority of East Timorese people still depend on producing all or some of their own food. Those forced out of their villages are now cut off from their food supply. This impacts on their immediate well-being but also brings risk of food shortages in the future if they are unable to cultivate and harvest their crops. The situation is particularly acute in the districts of Ermera, Liquica and Ainaro, where militia activity is at its most intense, and where the majority of East Timor's coffee is produced. Farmers typically own small plantations from which they can usually produce and sell enough beans to support their families for the next year. This year's crop is said to be particularly abundant.

The plantations are generally located on the mountain sides and frequently border the jungle areas where Falintil operate. Inhabitants from these areas are among those who have been instructed to leave their villages. Those who refuse are suspected of being members or supporters of Falintil. Already the coffee harvest, which was due to start at the beginning of April, has been severely disrupted by lack of security. There are reports, which Amnesty International cannot confirm, that some IDPs in Liquica are permitted to travel to their plantations each day - some of which are several hours walk from the town - to harvest their crop. In some areas, the poor security situation has prevented the harvest from taking place at all.

In addition to the displaced people inside East Timor, there are many hundreds of others who have fled the territory to Indonesia or further afield. Most of those who have left fall into the high-risk categories which Amnesty International identifies in this report. Given the involvement of the Indonesian authorities in ongoing human rights violations in East Timor, Amnesty International does not consider that the security of East Timorese people who have fled to Indonesia can necessarily be guaranteed.

3.1(v) The security of East Timorese women

Women are said to make up the majority of those internally displaced as a result of the militia violence, and pregnant women have been among those forced to relocate. One woman from Maliana Sub-district, told Amnesty International that villagers from Cailaco Sub-district, Bobonaro District were forced to re-locate to Maliana Sub-district by the paramilitary group Halilintar after a Falintil attack on the TNI and Halilintar in Cailaco on 12 April 1999. The villagers were accused of being involved in the attack and forced to leave after shots were fired by Halilintar members. Two pregnant women were said to among those forced to leave their homes. One later miscarried; the other gave birth, but the baby died soon after.

In addition East Timorese women have found themselves subjected to human rights violations because of pro-independence activities by their husbands or other family members. Women who are themselves directly involved, or suspected of being involved, in pro-independence activities have also suffered human rights violations.

One woman told Amnesty International how she was raped by a member of BMP on 11 February 1999 at the home of a relative in Vaviquinia village, Maubara District, where she had fled after her own house had been destroyed. A few days earlier she had been beaten by members of BMP - apparently because of her involvement with the women's branch of the CNRT. The day after the rape, the woman and her husband went to complain to the local BMP commander. Rather than dealing with the complaint, BMP members beat both of them. The woman then went to Dili to file a complaint with the police who told her to go to the police clinic for a medical examination. Two people from the human rights organization, Yayasan HAK (Human Rights Foundation) accompanied her to the clinic. However, when she got there she was told to go home. The medical examination has still not taken place.

Another woman described to Amnesty International the sexual abuse she suffered when she was arrested by the TNI and a militia unit at a relative's home in Viqueque. In March 1999 the woman and her husband had been subjected to anonymous threats because of their support for the CNRT. Several days later, on 20 March 1999, she and her six-year-old child were detained by a joint team from a Civil Defence (*Partahanan Sipil*, Hansip) unit and the TNI. Before she was taken away, her clothes were ripped and she was sexually abused, including having fingers forcibly inserted into her vagina. She did not remember how many men were involved because of the terror of the moment and the darkness in the house. She and her child were arbitrarily detained along with four others for two nights in Koramil headquarters before they were released without charge. Her house has been destroyed and she has gone into hiding.

In late May 1999, information was received by Amnesty International about a group of 12 women who had been detained by BMP in Liquica. According to the reports, the women were taken hostage in an attempt to persuade their husbands to hand themselves in after they had gone into hiding to avoid being recruited into the militias. The women were taken from their

homes on or around 17 May 1999 and held until early June 1999 in four separate BMP houses in Liquica. There are reports that they were subjected to sexual abuse. The women were released from custody in early June 1999.

3.1(vi) Security for people trying to assist victims

Assisting victims of human rights violations, including supplying aid to the thousands of people who have been displaced by militia and military/police operations, has been interpreted as support for the independence side. Consequently, humanitarian workers, nuns, priests, human rights monitors and medical professionals have been subjected to threats, intimidation and in some cases arrests, beatings and destruction of property by pro-integration militias.

East Timorese humanitarian agencies have been prevented from providing assistance to IDPs and carrying out their regular projects outside Dili since early April 1999. Attempts to transport food and medical aid to IDPs have resulted in threats and intimidation. In one case on 25 April 1999, a vehicle which was returning from delivering food aid to Ambeno was stopped near Liquica by members of BMP. The driver and his assistant were beaten and the vehicle was confiscated. The vehicle's owner was told that he would have to pay 1,500,000 Rupiah (approximately US\$180) in order for the vehicle to be returned. The police were informed, but no action was taken and the owner decided to pay the ransom. Carlito, the driver of another vehicle belonging to a humanitarian agency was detained in early May 1998 in Bazar-Tete, Liquica District by members of the BMP. According to reports, Carlito was tied up and beaten before being taken to a BMP post in Bazar-Tete. Carlito has since been released but the vehicle has not yet been returned because the owner cannot afford to pay the ransom demand.

Humanitarian agencies have received frequent telephone threats, which are believed to be from pro-integrationist militias. Some callers have stated that the agencies are being partisan in their distribution of food and threats have been made to burn down their offices or homes. Death threats have also been received.

Priests and nuns have traditionally played an active role in assisting local communities in East Timor, including providing humanitarian assistance when necessary. Their role has become particularly important in view of the obstacles being encountered by humanitarian agencies. However, church members have also come under suspicion because of this work. In March 1999, members of BMP accused nuns in a Maubara convent of supporting the pro-independence side because they were providing food and medical assistance to local people who were fleeing from intimidation by militia units. According to reports, the convent was effectively under siege for several days by BMP and death threats were made against the nuns.

Health professionals, including doctors and nurses have also been threatened and intimidated by both sides. In February and March 1999 over a dozen Indonesian doctors and

medical assistants working at the General Hospital in Dili left East Timor, reportedly because of intimidation by independence supporters. A Catholic clinic in Dili which has treated many of the victims of militia attacks has reported receiving frequent telephone threats. The house of one of its staff was destroyed, allegedly by members of BMP, on 11 May 1999. It was reported to Amnesty International that a doctor from another clinic in Vilaverde, Dili first received threats from members of the military in mid to late 1998. The threats, which were made personally and by telephone and by letter accused him of treating members of Falintil and said that his house would be burnt down. More recently, he has heard via friends and associates in militia groups that there are plans to kill him because of accusations that he assists the pro-independence side.

The work of East Timorese human rights organizations, which already have limited resources and capacity, has been made increasingly difficult by the deteriorating security situation which has prevented them from conducting detailed investigations outside of Dili since January 1999. In recent months human rights defenders have themselves become the targets of violations. Yayasan HAK has received repeated threatening telephone calls and its director and deputy director have both been told that they are on "wanted lists" held by militias. On two occasions, the director's house has been surrounded at night by plain-clothed men believed to be militia members, and on 8 June 1999, the militia group Dadarus Merah Putih attacked the house of the director's parents in Maliana Sub-district, Bobonaro District. It is believed that the attack is directly related to their son's work.

Human rights monitors based outside Dili are even more vulnerable. One human rights monitor based in a district in the west of East Timor told Amnesty International that he had fled following a direct threat on his life made by the local District Military Commander. Januario (not his real name) who had been working with the Church monitoring human rights in East Timor for many years, had written to the District Military Commander raising concern about militia operations and the involvement of the TNI in shooting incidents and forcing local people to support autonomy. After he sent the letter, his house was regularly surrounded at night by militia members and TNI soldiers. Januario finally fled into hiding after another priest was told by the District Military Commander that Januario would be killed if he did not surrender himself to the military.

3.1(vii) Threats against journalists

The media in East Timor also initially benefited from the greater political openness which followed the fall of President Suharto. In 1998, East Timorese journalists began reporting more freely on political developments and human rights. This changed, however, with the emergence of the militias who have threatened and attacked domestic and foreign journalists for their coverage of militia activities.

Voice of East Timor (*Suara Timor Timur*, STT) is the only newspaper operating in East Timor. In March 1999 around 20 members of Mahidi came to the STT office in Dili and threatened to burn it down because of what the militia called "antagonistic" reporting by the paper's journalists. On 17 April 1999, after the attack on Manuel Carrascalao's house, equipment was destroyed when members of BMP ransacked the office forcing STT to suspend printing for several weeks. Printing resumed on 3 May 1999, but the newspaper has continued to receive threats since then and the journalists do not feel safe to travel outside Dili. Two members of the police are now posted in the office to protect it against militia attacks.

Foreign journalists have also been threatened and in some cases assaulted. On 11 April 1999, journalists were among those travelling in a convoy which had rocks thrown at it. An iron pipe was also thrown through the window of one of the vehicles by members of BMP. The journalists were returning from Liquica where they had been covering a mass held by Bishop Belo at the site of the 6 April 1999 massacre. Police accompanying the convoy are said to have done nothing to intervene. Several foreign journalists who were inside Manuel Carrascalao's house in Dili when it was attacked on 17 April 1999 were pushed, beaten and threatened by the militias. Two of them were later visited at their hotel by men armed with sticks and iron bars who asked them to hand over their notes, tape recorders and equipment. The journalists refused and the armed men left without harming them.

SECTION 4

ARRANGEMENTS FOR SECURITY

Since the invasion of East Timor on 7 December 1975, the Indonesian armed forces have been engaged in counter-insurgency operations against Falintil, its supporters and supporters of independence in general. These operations have been characterized by sporadic armed clashes with Falintil itself as well as a more general campaign of arbitrary arrests, torture and ill-treatment, "disappearances", and extrajudicial executions against Falintil supporters and against peaceful pro-independence activists. In the context of such campaigns (which have also been waged in Aceh and Irian Jaya) normal legal procedures are relaxed or ignored by the authorities and the protection of human rights - which is already limited - is subordinated to considerations of national security, stability and national unity.

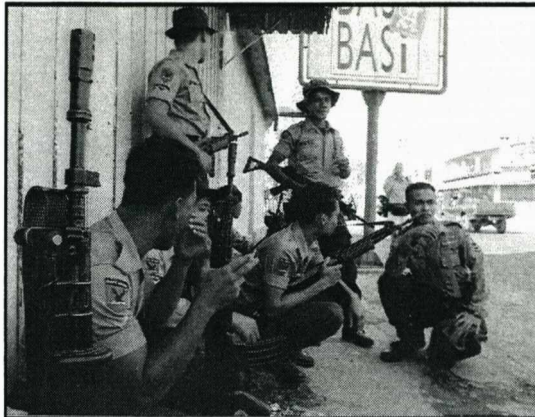
When President Habibie came to power a number of measures were taken, including the withdrawal of some combat troops from both East Timor and Aceh, which implied a shift in government policy in regions where government authority is challenged. However, the withdrawn troops were soon replaced by others, and in the case of East Timor, offset by the creation of new militia groups. After the brief spell of greater tolerance in mid-1998, activities have resumed which differ very little from the counter-insurgency operations with which the populations of these areas are so familiar.

In order to pursue counter-insurgency strategies, large numbers of troops and police have been stationed in East Timor over the years. Their numbers at any given moment are always difficult to ascertain but it is thought that there may be up to 15,000 troops in the territory, consisting of Indonesian infantry battalions, local territorial troops and units of the Special Forces Command (Kopassus).

Various civilian defence units, quasi military and paramilitary groups have operated alongside these regular units. Trained civilian groups known collectively as Civil Defence (*Partahanan Sipil*, Hansip) are used to reinforce the security forces in both Indonesia and East Timor. Although employed by the Department of Home Affairs, they are trained by the military and can be seconded to the police or to other services as required. They include the People's Resistance (*Perlawanan Rakyat*, Wanra) and Public Security (*Keamanan Rakyat*, Kamra). Members of these civilian defence units can also be recruited into the "three month army" (*tentara tiga bulan*), which fights alongside more experienced combat units. Paramilitary units, which are uniformed and armed and trained by the military, have also reinforced the TNI field units.

There are currently believed to be some 3,900 police stationed in East Timor which include both regular police and Brimob - a unit which is known to have committed human rights

violations in the past. Already a far higher concentration than in Indonesia itself, police numbers are due to be almost doubled for the popular consultation process. It is thought that at least 1,500 of the additional police to be sent to East Timor will be from Brimob. Although Brimob is described as part of the police, it is a combat unit and is known to have close links with the TNI.



Members of the Police Mobile Brigade (Brimob) patrolling a street in Dili © Reuters 1999

Uncertainty also surrounds the status of the police in general since it was separated from the armed forces on 1 April 1999. Under the old Indonesian Armed Forces (ABRI) structure the police were subordinate to the military which has traditionally taken a leading role in internal security issues throughout Indonesia, in particular East Timor, Irian Jaya and Aceh. The police, although now officially separate from the military, remain under the command of the Ministry of Defence, the head of which is also the Commander of the Armed Forces.

The TNI has recently taken a less visible role than the police in dealing with demonstrations, but continues to be deployed to control disturbances and riots including in areas such as Ambon and Kalimantan. In East Timor, some commentators have questioned whether any separation between the military and the police has taken place at all.

The division between police and military functions is specifically recognised in the Agreements which vest sole responsibility for the maintenance of law and order in the police. The need for both the police and the military to be neutral is also stipulated in the Agreement as being essential to their role in ensuring a secure environment for the popular consultation.

During its mission to Indonesia and East Timor, Amnesty International collected considerable evidence which demonstrates that the links between the militias, military and the police are strong. In fact, the TNI and the police are actively engaged in disrupting the security situation through their support for, and involvement in, militia activity; the police are failing in their responsibility to protect East Timorese citizens, in particular independence supporters, against threats, intimidation and attacks by militias; and are also failing to arrest and prosecute those responsible. The TNI and the police are further undermining the confidence of the East Timorese and the international community in their neutrality by actively campaigning in support of integration.

4.1 The Police

Responsibility for maintaining law and order rests with the police both in the Agreements and beyond. Under Indonesia's own Code of Criminal Procedure (KUHAP), power of arrest and responsibility for interrogation and investigation lie solely with the police.¹⁵ These provisions have been regularly contravened in the past in both Indonesia and East Timor and have continued to be violated, despite the 5 May 1999 Agreements.

Dozens of people have been detained by the TNI and the militias. In some cases, the police have actively encouraged the militias to perform this role. In other cases, the police have handed detainees over to the militias or vice versa. For example, just before the 6 April 1999 attack on the church compound in Liquica, the parish priest refused a request by the police to hand over to BMP a local CNRT leader and village head (*Kepala Desa*) from Liquica, Jacinto da Costa Pereira, who was among those seeking refuge in the priest's own house. Jacinto da Costa Pereira was killed in the attack. In another case, a man interviewed by Amnesty International in Dili described being detained, beaten and threatened with death by the members of the militia group Aitarak on 9 May 1999 before being handed over to the police later that night. While in police custody he was interrogated without a lawyer being present, beaten and forced to sign a statement in support of autonomy before being released on 11 May 1999. A relative of a man held in police custody in Maliana in Ermera District told Amnesty International that he had been told by the police that he would be released if he agreed to join BMP. According to his relative he complied and was forced to drink chicken blood to seal the agreement. Amnesty International was unable to verify this report.¹⁶

There continue to be many cases of arrests being carried out by the TNI or by militias, with detainees being held at TNI facilities or militia posts. A civil servant from Hatolia in Ermera District told Amnesty International that she was detained in early May 1999 jointly by members of a militia group, Koramil and BTT 143. She was taken to the local Koramil post where she was questioned about her connection with the CNRT and threatened with death if she did not give them documents and lists of names of independence supporters and Falintil members. She was subsequently released. Eight men were arrested in the village of Asu Mau, Remixio Sub-district, Aileu District on 15 April 1999 by members of a local militia, Aku Hidup untuk Integrasi (AHI, I live for Integration) and members of Kodim Aileu. Human rights monitors reported that the men were tortured during their time in custody. The men were believed to have been detained because of their work in the independence movement. They were released without charge on 17 April 1999.

¹⁵ Articles 18, 4 and 6 respectively of KUHAP.

¹⁶ There have been frequent reports in the last few months about militia recruitment ceremonies which involve the drinking of chicken blood. The ritual is believed to have largely died out but may have significance in rural areas.

Torture and ill-treatment in police custody continues to be routine and there have been recent reports of police holding people incommunicado. Roberto da Carmo and Gaspar Lopes were seen in police custody with badly swollen faces, apparently resulting from beatings. The two had been arrested by police in Aileu District on 19 May 1999 for alleged links to Falintil and taken to the Regional Police Command (Polda) in Dili. Initially their detention was denied by the police, but others who had also been detained in Polda confirmed that they were being held. Although the police later acknowledged their detention, the men were denied access to lawyers until 14 June 1999.

The police are also failing to protect East Timorese citizens, a function which is central to their role in ensuring a secure environment for the popular consultation to take place but which should, in any case, be a part of their normal duties. Where the police have been present during militia attacks they have taken no action to protect the victims and in some cases have assisted militias in committing human rights violations. When they have been asked to provide protective custody, their treatment of those seeking protection has given cause for concern.

Around 46 people, including IDPs fleeing the attack on Manuel Carrascalao's house in Dili went to Polda in Dili in the days following the attack to ask for protection. Although they were permitted to remain until they left voluntarily on 30 May 1999, their status was unclear during their time in Polda. Amnesty International received several reports that they were subjected to questioning by the police while they were in the police headquarters and that one man had been forced to swallow stones during an interrogation session because he had said that a statue of the Virgin Mary in Manuel Carrascalao's house had been destroyed by the TNI and militias during the attack. CNRT leader Leandru Issac also sought police protection at Polda Dili; his lawyer was refused access to him two times during the six week period that he was in protective custody.

Amnesty International delegates witnessed first-hand the failure of the police to respond to a militia attack when, on 16 May 1999, several houses in the Metiaut area of Dili were burnt down. The attack began soon after 10pm. Despite the fact that the police were immediately telephoned to alert them to the attack, they did not arrive for approximately another 50 minutes. Later, the Deputy Police Chief for East Timor, Colonel Muafi Sahudji, responded to Amnesty International's inquiry about the reason for the delay by stating that fewer police officers are available to respond to such calls late on a Sunday night. No one was hurt in that particular attack, although two houses believed to belong to independence supporters were razed to the ground.

The police have also been slow to investigate human rights violations and respond to complaints. Nor do they appear to be serious about bringing those responsible to justice despite the UN Secretary General's specific reference to the need to promptly arrest and prosecute those

who incite or threaten to use violence.¹⁷ Although there have been numerous and detailed reports of violations by militia groups, the TNI and the police as well as public threats against civil servants, journalists and foreign diplomats,¹⁸ to Amnesty International's knowledge there have been few arrests and no prosecutions so far. Amnesty International was informed by a member of Komnas HAM in Dili that eight members of militia groups had been arrested. However, when Amnesty International raised this during informal discussions with East Timor's Chief Prosecutor, he said that he had no knowledge of anyone awaiting charges in connection with militia attacks. Amnesty International was later informed by the Deputy Chief of Police that the Chief Prosecutor had "remembered incorrectly" and that there were six militia members who had been released pending trial in Dili in connection with militia attacks and "several" others had been arrested or are under investigation in other districts in East Timor; he could not recall precisely how many.

The failure of the police to proactively investigate incidents of human rights violations sends a signal to perpetrators that they are free to continue their activities with impunity and deters East Timorese citizens from reporting violations. A number of victims interviewed by Amnesty International said that they had reported incidents to the police, but were not aware that any investigation into the complaint had taken place. A bank worker from Liquica recounted how a policeman in the town had expressed surprise and said "*you're not dead yet, you should be dead*" when he went to complain about a militia attack and to ask for assistance in retrieving possessions stolen during the attack. The man sustained head injuries and had half a finger on his left hand severed during the joint BMP and Koramil attacks in Liquica on 5 April 1999. He has since left East Timor in fear for his life.

4.2 The Indonesian National Army (TNI)

Evidence collected by Amnesty International and by other human rights organizations shows that, to all intents and purposes, the TNI is still engaging in counter-insurgency activities in East Timor. While the operations have been increasingly fronted by militias, the TNI are frequently present and/or actively involved. The links between the two are so strong that it is impossible to separate militias from the TNI. On 8 June 1999 a representative of Australia's Department of Defence reported to an Australian parliamentary committee that "*[t]here is evidence available to us that the TNI has been actively involved in encouraging and supporting pro-integrationist*

¹⁷ One of the six elements referred to in: Question of East Timor, Report of the Secretary General. S/1999/513, 5 May 1999.

¹⁸ On 25 February 1999, Eurico Guterres and Cancio Carvalho, the Commanders of the Aitarak and Mahidi militias respectively, issued a signed statement in which they reportedly stated that it was "*..better to sacrifice an Australian diplomat or journalist to save the lives of 850,000 East Timorese*". (AFP, 25/02/99)

militia in East Timor, including through the supply of arms". He also said that the Department of Defence believed the Indonesian armed forces' support for the militias had "*contributed significantly to the security problems in East Timor*".¹⁹

The TNI has continued to deny responsibility for militia activity. Initially it also denied giving militias weapons, but in February an army spokesman admitted in an interview that arms had been given to militias to "protect people against rebellion". Many eyewitnesses have reported seeing militias carrying automatic rifles which are usually issued to units of the TNI. In an interview on 5 February 1999, Cancio Lopez, the commander of the militia group Mahidi told a BBC journalist that he had received 20 Chinese-made SKS rifles from the local military headquarters at the end of December 1998 and that these had been used together with M-16 rifles captured from Falintil in attacks on villages in Zumalai Sub-district, Covalima District in which four people were killed (see Section 3 - 3.1(i) - Supporters of independence and the National Council of Timorese Resistance, CNRT)

During late 1998 and early 1999, the TNI participated in the campaigns which were beginning in the villages mainly in the western part of East Timor. Koramil units and territorial battalions were particularly evident but there are also reports of Kopassus, SGI, marine and *Garuda Hitam* involvement. In some cases, the TNI acted with the militias, in other cases it acted alone.

Amnesty International has received many reports of human rights violations during this period, including the detention and torture of four people by members of the now defunct Youth Guard for Upholding Integration (*Garda Pemuda Penegak Integrasi*, Gardapaksi²⁰), together with members of Koramil 03 Maubara and members of BTT 143 on 28 December 1998. The arrests were made during the course of house-to-house operations in Vatuboro village, Liquica District.²¹ On 2 January 1999, Koramil in the Sub-district of Cassa, Ainaro District acting with the militia group Mahidi detained seven students. While in detention the seven were said to have had their hair cut and be threatened that they would be shot. One of them, Alberto Noronha Kelo, was punched, kicked and stamped on before being released. Another four people were detained in house-to-house searches by the TNI in Lisadila village, Liquica District on 13

¹⁹ Sydney Morning Herald, 9 June 1999.

²⁰ Gardapaksi was created in July 1995 supposedly as a civilian program to provide unemployed East Timorese youth with training. However, its members were also reported to receive military training and to have been involved in human rights violations. Many of its members have now been integrated into various militias.

²¹ The names of the four are: Lukas Maria dos Santos, Agostu Nunes, Domingos Fontes and Saturnino Alves.

January 1999. The four were subsequently released, but sustained cuts and bruises while in custody.²²

In yet another incident, a 61 year old farmer, Abel Martins was shot dead by the paramilitary group Halilintar and SGI on 27 January 1999. Abel Martins, who came from Faturase village in Bobonaro District, had previously been visited several times by members of Halilintar seeking information on the whereabouts of his son-in-law who is a Falintil commander and to tell Abel Martins that he should tell his son-in-law to surrender. Members of the paramilitary group returned with a member of SGI and shot Abel Martins twice in the stomach.

Eyewitness accounts of an attack on the Santa Cruz area of Dili on 10 May 1999 point to a well-coordinated, joint militia, TNI and police operation. Brimob troops were seen driving into the Santa Cruz area of Dili, closely followed by vehicles carrying members of the two militia groups, BMP and Aitarak. Brimob then withdrew, but set up roadblocks preventing people from entering or leaving the area. Members of the TNI and the police were seen by one eyewitness waving vehicles carrying militia members through the road blocks. One victim of the militia attacks that day described to Amnesty International how he had seen a member of Brimob standing just 50 metres away when he was shot. No action was taken by the Brimob officer to prevent the shooting or to disarm and arrest the perpetrator.

At least eight people are believed to have been killed during the course of attacks which took place on 10 May 1999 in Quintal Boot and Quintal Kiik in the village of Santa Cruz. Among the dead are Flavio Ribeiro, a university student and a high school student called Elizaer dos Reis. Flavio Ribeiro had only returned to Dili a few days earlier from Bali where he was studying and was planning to buy a return ticket on the day that he was killed. He was standing outside his grandmother's house in Santa Cruz when he was shot, allegedly by a member of Aitarak. It is not clear whether Flavio Ribeiro was killed outright, however, his next-door neighbour Elizaer dos Reis is known to have put his body into his car. As Elizaer dos Reis was preparing to drive away he was dragged out of the vehicle and shot dead by militia members. Using a samurai sword, the militias then cut out Flavio Ribeiro's tongue.

Militia members had entered Elizaer dos Reis's house earlier the same day in search of his father, a well known CNRT member. Having failed to find him they killed Jose Ximenes who was visiting at the time. The house of Flavio Ribeiro's grandmother was burnt down that day.

²² The names of the four were Ermenegildo Nunes, Eguido Martins, Abel Afonso and Julio Seroa.

SECTION 5

HUMAN RIGHTS ABUSES BY FALINTIL

Despite its relatively small numbers - 200-300 according to recent estimates - Falintil has continued to oppose Indonesian rule with sporadic attacks on Indonesian military or police targets. The Indonesian authorities have frequently accused Falintil of human rights abuses. In many of these cases the authorities have not provided sufficient detail to allow a proper assessment of the truth of the allegations, and restrictions on access to East Timor by international human rights organizations have made independent investigations difficult. However, in a number of cases Amnesty International has received detailed and credible information which indicates Falintil responsibility for human rights abuses. In each case Amnesty International has condemned the act and urged Falintil to respect international humanitarian law enshrined in Article 3 of the Geneva Conventions which prohibits, among other things, the targeting of persons taking no active part in the hostilities; the taking of hostages; humiliating and degrading treatment; and the passing of sentences and the carrying out of executions outside a regularly constituted court.

From May 1998 to April 1999, Falintil's operations were mainly defensive, although reports of some abuses during this period were received. Despite clarifications to the contrary, the 5 April 1999 statement by the CNRT leader Xanana Gusmão which called on Falintil to defend the people of East Timor against militia attacks was interpreted by many as a return to its usual offensive operations.

The Indonesian authorities have continued to accuse Falintil of committing human rights abuses. Most recently, on 2 June 1999 General Wiranto was reported as claiming that "anti-Indonesian forces" had been involved in 30 violent incidents since the 21 April 1999 peace accord and a press statement issued in June 1999 from the Indonesian Mission to the UN in New York listed "*14 armed terror attacks, two violent demonstrations, the burning of one village, six armed attacks against the pro-integration group, two armed attacks against security apparatus, three murders and two cases of torture against members of the pro-integration group*". Amnesty International wrote to General Wiranto on 7 June 1999 to request further information about the 30 incidents he had referred to. At the time of writing this report, no reply had been received. Amnesty International has also written to Komnas HAM seeking information about these incidents.

Details of two separate cases in which the TNI have claimed Falintil responsibility are the killing of Sergeant Luis da Costa, an East Timorese member of Battalion 745 based in Baucau on 19 May 1999 and the killing on 16 May 1999 of three East Timorese members of the Sub-district Military Command (Koramil) in Lolotoi Sub-district, Bobonara District. In both cases, Falintil's involvement has been disputed. There are strong indications that Sergeant Luis da Costa may in fact have been killed by either militia members or members of the TNI and that

his killing was linked to a conflict between Battalion 745 and other units in the TNI concerning the establishment of a new militia in Baucau. A family member of one of the three soldiers killed on 16 May 1999 also expressed doubts about Falintil's involvement in the attack and believes that the attack was linked to efforts by the three men to prevent militia activities in Lolotoi. Amnesty International has so far been unable to verify these claims.

Amnesty International has received reports of other abuses which it has been unable to verify so far. In addition, on 15 June 1999, in response to a request from Amnesty International for information, the organization received a list of 42 alleged attacks by Falintil and independence supporters from the pro-integration political party, Forum for Unity, Democracy and Justice (*Forum Persatuan, Demokrasi dan Keadilan*, FPDK). It was not possible to seek confirmation of the claims in time for this report, however Amnesty International is now attempting to obtain information concerning each of the alleged incidents.

However, Amnesty International has been able to confirm Falintil's involvement in the execution of three members of the TNI and one Indonesian civilian on 31 October 1998. The four were captured at a public meeting in Weberek village (a transmigration site) in Manufahi District which was organized by students and at which Falintil members were present. The four Indonesians were surrounded, tied up and three of them were immediately killed. The fourth escaped but later died from multiple stab wounds. While it appears that Falintil did not issue orders for the killings and that independence supporters in the crowd were involved in the incident, it is believed that Falintil members also participated.

Amnesty International raised these cases during a meeting with Xanana Gusmão on 26 May 1999. The organization was told that the CNRT expected all allegations of human rights abuses to be investigated and for anyone who breaches the law, from either side, to be handed over to the authorities. He referred specifically to a case in Vemassee Sub-district, Baucau District in which two soldiers were abducted by a group of youths from a public bus on 6 March 1999. The two soldiers were later found dead in Bucoli Village, Vemassee on 18 March 1999. Xanana Gusmão stated that he had urged local community leaders to hand over the youths responsible to Komnas HAM. The community agreed to do so if there were guarantees that the youths would receive a fair trial and that all cases of human rights violations by the Indonesian security forces and militias were investigated, but concluded that, because they believed this was not possible in the present climate, the youths should not be handed over. Amnesty International stressed the responsibility of the CNRT and Falintil leadership to issue strict orders and to establish command responsibility to ensure that human rights abuses are clearly prohibited and prevented and that those who carry out such abuses are handed over for prosecution in accordance with international law.

There have been other reports of independence supporters among the general population threatening, and in some cases assaulting, Indonesian migrants and transmigrants in East Timor. A recent report described the stoning of a vehicle carrying members of the FPDK by

independence supporters as it drove away from the UNAMET compound after a UN flag-raising ceremony on 3 June 1999. In another incident, a CNRT member from Ermera told Amnesty International that the CNRT had arrested six people who were believed to be provocateurs in the area. The six were given what was described as "training and reeducation" and then handed over to the police.

CONCLUSIONS AND RECOMMENDATIONS

In this report, Amnesty International has documented a distinct pattern of human rights violations in East Timor, which began before the 5 May 1999 Agreements were signed and have continued since then, creating an atmosphere of insecurity and intimidation. The main targets of these human rights violations are overwhelmingly supporters of independence for East Timor. Responsibility for the majority of these violations lies mainly with the new militia groups, but there is also evidence of support and direct involvement from the Indonesian military and to a lesser extent, the police. Amnesty International believes that the Indonesian authorities are involved in a well-organized campaign - of which the human rights violations referred to above are a part - to threaten and intimidate the East Timorese population into supporting autonomy and to disrupt the participation of certain groups in the popular consultation process. Human rights abuses have also been committed by the pro-independence armed opposition group, Falintil.

The UN sponsored ballot is planned to take place in August 1999, just three months after the signing of the Agreements to hold the popular consultation. Within the next seven weeks, all parties to the Agreements must cooperate with UNAMET and work towards creating conditions in which the East Timorese are able to vote in a free and fair process, without threats or intimidation.

At the heart of the current problems is the failure of the Indonesian authorities to fulfil their commitments under the 5 May 1999 Agreements, specifically:

- to ensure the security of all East Timorese people and to bring those responsible for human rights violations to justice
- to ensure the neutrality of the security forces
- to ensure that the police - and not the army or militia groups - will be solely responsible for maintaining law and order

While the human rights problems in East Timor are long-standing and cannot be comprehensively addressed within the time frame of the UNAMET ballot process, a rapid and significant improvement in the human rights situation is possible, and necessary if the ballot is to go ahead.

With this in mind, Amnesty International offers the following recommendations which it believes are the minimum necessary to end the current level of human rights violations and help create a secure environment, which will enable the East Timorese people to participate without fear in the consultation process to decide their future.

Recommendations to the United Nations

- ensure continuing assessment of, and reporting on, the human rights situation and its impact on the security situation throughout the entire consultation process; ensure that human rights violations and abuses are consistently raised with the relevant authorities, including the Indonesian Government, pro-integration and pro-independence groups; monitor the follow-up action taken by the Indonesian authorities to fully and independently investigate reports of human rights violations by members of the police, the TNI or militia groups, and to hold those responsible for human rights violations accountable;
- provide clear mandate, instructions and reporting lines for UNAMET personnel throughout the territory to report systematically on human rights violations and establish response mechanisms throughout the mission to react quickly and effectively to allegations of human rights abuses, with a view to bringing these to the attention of the authorities responsible for maintaining law and order, and preventing their occurrence;
- ensure that all UNAMET personnel are trained in basic international human rights law and standards, and that the UNAMET civilian police are trained in relevant international standards of law enforcement and criminal justice, including the UN Code of Conduct for Law Enforcement Officials; the UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials; and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- ensure that UNAMET includes gender expertise, including in the area of violence against women and the investigation and prosecution of the violations of women's human rights, including gender-based violations;
- establish a special mechanism to investigate and report on violations of human rights and humanitarian law by UNAMET personnel, to ensure that they carry out their tasks in accordance with international standards;
- ensure that the code of conduct on security to be elaborated in cooperation with the Commission on Peace and Stability (KPS) is based on principles of international humanitarian and human rights law. It must provide for a credible and verifiable process of registration of all weapons and firearms, disbanding and disarming of the militias under international monitors, an end to the practice of arrest and detention outside those provided by regular civilian policing in accordance with international standards of law enforcement, and the establishment of a climate of security through responsible and accountable civilian law enforcement by the police;

-
- designate neutral and safe places for discussions and for the dissemination of information concerning the popular consultation;
 - recognize the crucial role and the need for full participation by East Timorese women by providing specific information programs aimed at them, and creating an environment conducive to their being able to exercise their human rights, including full participation in the political process, without fear or discrimination;
 - the UN Secretary-General should identify the lead agency with responsibility for the provision of humanitarian assistance to internally displaced persons (IDPs), under the authority of the head of UNAMET;
 - ensure that the Guiding Principles on Internal Displacement issued by the Secretary-General's Special Representative on IDPs and endorsed by the Inter-Agency Standing Committee (IASC), are the basis on which the UN Agencies and UNAMET and all local and international humanitarian agencies develop a program of assistance and protection for IDPs;
 - secure immediate assurances regarding security and cooperation from the Indonesian authorities, the TNI, the militias and Falintil in order to assist IDPs, including terms for immediate access and protection by the humanitarian agencies, as required by international human rights and humanitarian law and in accordance with the Guiding Principles on Internal Displacement;
 - identify clear procedures to ensure the full participation of IDPs in the popular consultation process, including through the provision of transport and assistance as well as security through the registration and balloting process;
 - develop a set of recommendations through the humanitarian component of UNAMET to ensure that humanitarian assistance and protection for IDPs is delivered on an urgent basis and in coordination with local partners.

Recommendations to the Indonesian authorities

- ensure the neutrality of the Indonesian army and police in accordance with Indonesia's commitment under the Agreements; ensure the security forces abide by international human rights standards and humanitarian law; ensure clear instructions and lines of command for all security force personnel operating in East Timor;
- disarm and disband the militias;

- ensure that only the police are responsible for law and order; ensure strict controls on the use of weapons by the police;
- ensure that all reports of human rights violations, including threats, are independently and fully investigated; ensure the arrest and prosecution of those responsible; immediately suspend from active service those suspected of human rights violations pending full and independent investigations;
- ensure that arrests are conducted in accordance with international human rights standards, by law enforcement officials mandated to do so and not by members of the Indonesian army or the militias; ensure that detainees are not at risk of torture or ill-treatment;
- cooperate fully with UNAMET, including with the UN civilian police; ensure the security and freedom of movement of UNAMET staff in all areas of East Timor;
- clarify the whereabouts of, and charges against, all East Timorese people currently held in police, military or militia custody; ensure that all detainees have regular, on-going and unhindered access to independent legal counsel, to medical professionals and to their families;
- release all the remaining East Timorese prisoners of conscience; ensure the release of Xanana Gusmão on the grounds that his trial failed to meet international standards of fairness and that the government has refused to review his conviction; establish a timetable for the review of convictions against East Timorese people imprisoned after trials which failed to meet international standards;
- allow access to all areas of East Timor for human rights non-governmental organizations and humanitarian workers, so that they can operate free from threats or intimidation; ensure that journalists are protected from threats, intimidation and other human rights violations;
- protect the civilian population in East Timor from forced and arbitrary displacement;
- guarantee the rights of refugees and IDPs to voluntarily return to their place of origin;
- pending voluntary return of IDPs to their place of origin, ensure that they are not under the control of militias; that they are protected from human rights violations; that they are not subjected to threats and intimidation to join militias; that they have on-going and unhindered access to humanitarian and human rights organizations; and that their right to participate fully and freely in the popular consultation is protected.

Recommendations to the National Council of Timorese Resistance (CNRT)

- cooperate fully with UNAMET in the implementation of its mandate;
- make a public commitment to abide by international humanitarian law as defined in Article 3 of the Geneva Conventions;
- ensure that all troops under the control of the East Timorese National Liberation Army (Falintil) act in accordance with these standards;
- implement measures to prevent assaults, threats and discrimination against groups opposed to independence and minorities, including Indonesian migrants living in East Timor.

Recommendations to Member States of the United Nations

- give full support to UNAMET in implementing its mandate; including through the provision of resources, logistics and personnel;
- ensure that personnel sent to East Timor as part of UNAMET or as international observers for the ballot are trained in human rights;
- ensure that the principle of non-refoulement is strictly implemented for all East Timorese asylum seekers;
- prevent the supply to Indonesia of small arms, light weapons and other types of military, security and police equipment, including tear gas, likely to be used by the TNI, police or militia groups to commit human rights violations;
- review all military, security and police relations with Indonesia to ensure that no military, security or police equipment, weaponry, training or personnel which could facilitate human rights violations has been transferred to Indonesia. Make public full details of the findings of such a review;
- detail the end-use verification mechanisms in place to ensure that military, security and police equipment transferred to Indonesia is not used by the Indonesian army or police to commit human rights violations or re-directed to armed militia groups; seek assurances that no arms or other military, security or police equipment or services can be transferred within Indonesia to the militias operating in East Timor.

APPENDIX: GLOSSARY

Military and Police

ABRI	- Indonesian Armed Forces - [In April 1999, the Indonesian Police formally separated from the Armed Forces which reverted to its original name, <i>Tentara Nasional Indonesia</i> (Indonesian National Army, TNI)]
Brimob	- Police Mobile Brigade
BTT	- Territorial Battalion
Gardapaksi	- Youth Guard for Upholding Integration (now defunct)
Hansip	- Civil Defence
Kamra	- Public Security (Civil Defence unit)
Kodim	- District Military Command
Kopassus	- Special Forces Command
Koramil	- Sub-district Military Command
Korem	- Sub-regional Military Command
PAM Swakarsa	- Voluntary Civilian Defence Force
Polda	- Regional Police Command
Ratih	- Trained Civilian Defence Force
SGI	- Intelligence Task-Force of Kopassus
TNI	- Indonesian National Army
Wanra	- People's Resistance (Civil Defence unit)

Government

Kepala Desa	- Head of Village
Camat	- Head of Sub-district administration
Bupati	- Head of District administration
Komnas HAM	- National Human Rights Commission
Korpri	- Civil Service Corps of the Republic of Indonesia

East Timorese Institutions and Groups

BRTT	- People's Front for East Timor
CNRM	- National Council of Maubere Resistance
CNRT	- National Council of Timorese Resistance
DSMTT	- Student Solidarity Council of East Timor

Falintil	- East Timorese National Liberation Army
Fodimer	- Ermera People's Dialogue Forum
FPDK	- Forum for Unity, Democracy and Justice
GFFTL	- East Timorese Female Youth Group
GRPRTT	- Movement for Reconciliation and Unity of the People of East Timor
Kihamtil	- Independent East Timorese Human Rights Commission
KPS	- Peace and Stability Commission
STT	- <i>Suara Timor Timur</i> , Voice of East Timor (newspaper)
UNTIM	- University of East Timor
Yayasan HAK	- Human Rights Foundation

Other

IDP	- Internally Displaced Person
KUHAP	- Code of Criminal Procedure
SARET	- Special Autonomous Region of East Timor
UNAMET	- United Nations Assistance Mission to East Timor

Paramilitary Units

Halilintar, *Lightening*
 Makikit
 Tim Alfa
 Tim Saka
 Tim Sera

Militia groups

Aileu Pencinta Integrasi (API)
 Aitarak, *Thorn*
 Aku Hidup untuk Integrasi (AHI), *I live for integration*
 Alfa Ablai
 Barison 59/75
 Besi Merah Putih (BMP), *Iron Red and White*
 Besi Semadok
 Dadurus
 Darah Integrasi, *Blood of Integration*
 Guntur

Harimau 55, *Tiger 55*

Jati Merah Putih, *Real Red and White*

Kelompok Naga Merah, *Red Dragon Group*

Komando Darah Merah, *Red Blood Command*

Laksaur Merah Putih

Loromea

Mati Hidup Demi Integrasi (Mahidi), *Live or die for integration with Indonesia*

Pana

Pro-Integration Front 59/75 Junior

Sakunar, *Scorpion*

Tatarah

Tim Pancasila